

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILLS NOS. 239,
24 & 445**
94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOFFER.

Offered March 14, 2007.

Senate Substitute adopted, March 14, 2007.

Taken up for Perfection March 14, 2007. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

1295S.13P

AN ACT

To repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 301.010, 301.040, 301.130, 301.144, 301.218, 301.221, 301.225, 301.229, 301.301, 301.444, 301.550, 301.560, 301.640, 302.010, 302.272, 302.275, 302.321, 302.545, 302.700, 302.720, 302.755, 302.775, 304.022, 304.070, 304.170, 304.281, 307.100, 307.179, 311.326, and 390.030, RSMo, and to enact in lieu thereof forty-seven new sections relating to the regulation of motor vehicles, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 2 43.220, 301.010, 301.040, 301.130, 301.144, 301.218, 301.221, 301.225, 301.229, 3 301.301, 301.444, 301.550, 301.560, 301.640, 302.010, 302.272, 302.275, 302.321, 4 302.545, 302.700, 302.720, 302.755, 302.775, 304.022, 304.070, 304.170, 304.281, 5 307.100, 307.179, 311.326, and 390.030, RSMo, are repealed and forty-seven new 6 sections enacted in lieu thereof, to be known as sections 43.010, 43.030, 43.090, 7 43.110, 43.120, 43.140, 43.210, 43.220, 227.295, 301.007, 301.010, 301.029, 8 301.040, 301.130, 301.144, 301.218, 301.221, 301.225, 301.229, 301.301, 301.444, 9 301.550, 301.560, 301.640, 302.010, 302.272, 302.275, 302.305, 302.321, 302.545,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 302.700, 302.720, 302.755, 302.775, 304.022, 304.032, 304.070, 304.170, 304.281,
11 307.100, 307.179, 311.326, 387.075, 390.030, 390.372, 1, and 2, to read as follows:

43.010. As used in this chapter, the following terms shall have the
2 meanings indicated:

3 (1) ["Commission", the Missouri state highways and transportation
4 commission;

5 (2)] "Members of the patrol", the superintendent, lieutenant colonel,
6 majors, captains, director of radio, lieutenants, sergeants, corporals, and
7 patrolmen of the Missouri state highway patrol;

8 [(3)] (2) "MULES", Missouri uniform law enforcement system, a
9 statewide-computerized communications system provided by the patrol designed
10 to provide services, information, and capabilities to the law enforcement and
11 criminal justice community in the state of Missouri;

12 [(4)] (3) "Patrol", the Missouri state highway patrol;

13 [(5)] (4) "Peace officers", sheriffs, police officers and other peace officers
14 of this state;

15 [(6)] (5) "Radio personnel", those employees of the patrol engaged in the
16 construction, operation, and maintenance of the patrol radio system.

43.030. 1. The superintendent of the Missouri state highway patrol shall
2 be appointed by the governor by and with the advice and consent of the
3 senate. The superintendent shall hold office at the pleasure of the governor. The
4 superintendent shall be a citizen of the United States and a resident taxpaying
5 citizen of this state for a period of three years previous to being appointed as
6 superintendent and shall be at least thirty years of age. The superintendent
7 shall maintain an office [and reside] in Jefferson City.

8 2. The superintendent of the Missouri state highway patrol shall:

9 (1) Have command of the patrol and perform all duties imposed on the
10 superintendent and exercise all of the powers and authority conferred upon the
11 superintendent by the provisions of this chapter and the requirements of chapter
12 650, RSMo;

13 (2) Within available appropriations, establish an equitable pay plan for
14 the members of the highway patrol and radio personnel taking into consideration
15 ranks and length of service.

43.090. [The board of public buildings shall provide suitable offices for
2 general headquarters at Jefferson City, Missouri, which shall at all times be open
3 and in charge of the superintendent, or some member of the patrol designated by

4 him.] The superintendent[, with the consent and approval of the commission,]
5 shall employ such clerical force, radio operators, and other subordinates, and
6 shall provide such office equipment, stationery, postage supplies, [telegraph]
7 **communication** and telephone facilities as he **or she** shall deem necessary **for**
8 **general headquarters at Jefferson City, Missouri**, and shall also provide
9 offices, equipment, stationery, postage, clerical force, and other subordinates for
10 the headquarters of each [district] **troop or division** of the patrol. The state
11 highway patrol [radio network] **communications division** shall be under the
12 control of and at the service of the superintendent for such regular and
13 emergency [bulletins] **communications**, and service as the superintendent may
14 require [from time to time].

43.110. The necessary expenses of the members of the patrol in the
2 performance of their duties shall be paid by the state when such members are
3 away from their places of residence or from the [district] **troop or division** to
4 which they are assigned, subject to the approval of the [commission]
5 **superintendent**. No fee shall be allowed to any person or officer for the arrest
6 and transportation of persons arrested and transported by members of the patrol,
7 and no witness fees shall be granted or allowed members of the patrol in criminal
8 cases. Witness fees for members of the patrol in civil cases, and for testifying in
9 federal court, shall be the same as provided by law, and shall be claimed and
10 collected by members of the patrol, and promptly transmitted to the [division of
11 collection in the department of revenue] **fund from which the salary and**
12 **expenses of the member or employee is paid**.

43.120. 1. The superintendent shall prescribe rules for instruction and
2 discipline and make all administrative rules and regulations and fix the hours of
3 duty for the members of the patrol. The superintendent shall divide the state
4 into [districts] **troops** and assign members of the patrol to such
5 [districts] **troops** in the manner as deemed proper to carry out the purposes of
6 this chapter. The superintendent may call members of the patrol from one
7 [district] **troop** to another.

8 2. The superintendent shall appoint the lieutenant colonel and five majors
9 from within the membership. Such individuals shall serve at the
10 superintendent's pleasure and shall return to their previously held rank after
11 being relieved of their position duties by the present or incoming
12 superintendent. The superintendent shall classify and rank through promotions
13 the majors, the director of radio, captains, lieutenants, sergeants, corporals,

14 patrolmen, and radio personnel from the next lower grade after not less than one
15 year of service satisfactorily performed therein.

16 3. In case of the absence of the superintendent, or at the time the
17 superintendent designates, the lieutenant colonel shall assume the duties of the
18 superintendent. In the absence of both the superintendent and the lieutenant
19 colonel, a major shall be designated by the superintendent or by the lieutenant
20 colonel. In case of the disability of the superintendent and the lieutenant colonel,
21 the governor may designate a major as acting superintendent and when so
22 designated, the acting superintendent shall have all the powers and duties of the
23 superintendent.

24 4. The superintendent shall collect, compile and keep available for the use
25 of peace officers of the state the information as is deemed necessary for the
26 detection of crime and identification of criminals. **The superintendent may**
27 **direct members and other employees of the patrol to carry out any**
28 **public safety duty or service authorized or appropriated by the general**
29 **assembly.**

30 5. The superintendent is responsible for establishing policy, procedures,
31 and regulations in cooperation with the law enforcement and criminal justice
32 community in protecting the integrity of the MULES system. The superintendent
33 shall be responsible for the administration and enforcement of all MULES policies
34 and regulations consistent with state and federal rules, policy, and law by which
35 the MULES system operates.

36 [6. Within ninety days after the close of each fiscal year, the
37 superintendent shall make to the governor and the commission a report of the
38 activities of the patrol and the cost thereof for the fiscal period.]

43.140. [1.] The members of the patrol, before entering upon the
2 discharge of their duties, shall each take and subscribe an oath to support the
3 constitution and laws of the United States and the state of Missouri and to
4 faithfully demean themselves in office in the form prescribed by section 11, article
5 VII, of the constitution of this state and they shall each faithfully perform the
6 duties of their respective offices and safely keep and account for all moneys and
7 property received by them.

8 [2. The superintendent, major, director of radio, each member assigned
9 to duty in the department of finance and statistics and each member assigned to
10 duty in the department of supplies and equipment shall give bond to be approved
11 by the commission. The bond of the superintendent shall be twenty thousand

12 dollars, and for each other member required to be bonded, ten thousand
13 dollars. The cost of furnishing all such bonds shall be paid by the state.]

43.210. Any person arrested by a member of the patrol shall forthwith be
2 taken by such member before the court or associate circuit judge, **or such**
3 **court's or judge's designee**, having jurisdiction of the crime whereof such
4 person so arrested is charged there to be dealt with according to law.

43.220. Neither the governor[, the commission,] nor the superintendent
2 shall have any power, right or authority to command, order or direct any member
3 of the patrol to perform any duty or service not authorized [by this chapter]
4 **under state statute.**

227.295. 1. **The department of transportation shall establish and**
2 **administer a drunk driving victim memorial sign program. The signs**
3 **shall be placed upon the state highways in accordance with this**
4 **section, placement guidelines adopted by the department, and any**
5 **applicable federal limitations or conditions on highway signage,**
6 **including location and spacing.**

7 2. **The department shall adopt, by rules and regulations, program**
8 **guidelines for the application for and placement of signs authorized by**
9 **this section, including, but not limited to, the sign application and**
10 **qualification process, the procedure for the dedication of signs, and**
11 **procedures for the replacement or restoration of any signs that are**
12 **damaged or stolen. The department shall also establish by rule,**
13 **application procedures and methods for proving eligibility for the**
14 **program.**

15 3. **Any person may apply to the department of transportation to**
16 **sponsor a drunk driving victim memorial sign in memory of an**
17 **immediate family member who died as a result of a motor vehicle**
18 **accident caused by a person who was shown to have been operating a**
19 **motor vehicle in violation of section 577.010 or 577.012, RSMo, or was**
20 **committing an intoxication-related traffic offense at the time of the**
21 **accident. Upon the request of an immediate family member of the**
22 **deceased victim involved in a drunk driving accident, the department**
23 **shall place a sign in accordance with this section. A person who is not**
24 **a member of the immediate family may also submit a request to have**
25 **a sign placed under this section if that person also submits the written**
26 **consent of an immediate family member. The department shall charge**
27 **the sponsoring party a fee to cover the department's cost in designing,**

28 constructing, placing, and maintaining that sign, and the department's
29 costs in administering this section. Signs erected under this section
30 shall remain in place for a period of ten years. After the expiration of
31 the ten-year period, the department shall remove the sign unless the
32 sponsoring party remits to the department of transportation a ten-year
33 renewable fee to cover maintenance costs associated with the sign.

34 4. The signs shall feature the words "Drunk Driving Victim!", the
35 initials of the victim, and the month and year in which the victim of the
36 drunk driving accident was killed. The overall design of the sign,
37 including size, color, and lettering, shall conform to the guidelines and
38 regulations established by the department. The signs shall be placed
39 near the scene of the accident.

40 5. All roadside memorials or markers commemorating the death
41 of a drunk driving victim not meeting the provisions of this section are
42 prohibited. No person, other than a department of transportation
43 employee or the department's designee, may erect a drunk driving
44 victim memorial sign.

45 6. As used in this section, the term "immediate family member"
46 shall mean spouse, child, stepchild, brother, stepbrother, sister,
47 stepsister, mother, stepmother, father, or stepfather.

48 7. The department shall adopt rules and regulations to
49 implement and administer the provisions of this section. Any rule or
50 portion of a rule, as that term is defined in section 536.010, RSMo, that
51 is created under the authority delegated in this section shall become
52 effective only if it complies with and is subject to all of the provisions
53 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
54 section and chapter 536, RSMo, are nonseverable and if any of the
55 powers vested with the general assembly pursuant to chapter 536,
56 RSMo, to review, to delay the effective date, or to disapprove and annul
57 a rule are subsequently held unconstitutional, then the grant of
58 rulemaking authority and any rule proposed or adopted after August
59 28, 2007, shall be invalid and void.

301.007. 1. Any declaration, statement, or other document
2 required to be made or filed pursuant to this chapter or chapter 306,
3 RSMo, shall be signed in accordance with regulations or instructions
4 prescribed by the director of revenue and the director of revenue shall
5 have the power to administer oaths to individuals filing such

6 **declaration, statement, or other document. The fact that an**
7 **individual's name is signed to a declaration, statement, or other**
8 **document shall be prima facie evidence that the individuals signed the**
9 **declaration, statement, or other document.**

10 **2. The making or filing of any declaration, statement, or other**
11 **document required to be made pursuant to this chapter or chapter 306,**
12 **RSMo, shall constitute a certification by the person making or filing**
13 **such declaration, statement, or other document, or copy thereof, that**
14 **the statements contained therein are true and that any copy filed is a**
15 **true copy.**

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120
2 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms
3 mean:

4 (1) "All-terrain vehicle", any motorized vehicle manufactured and used
5 exclusively for off-highway use which is fifty inches or less in width, with an
6 unladen dry weight of one thousand pounds or less, traveling on three, four or
7 more low pressure tires, with a seat designed to be straddled by the operator, or
8 with a seat designed to carry more than one person, and handlebars for steering
9 control;

10 (2) "Automobile transporter", any vehicle combination designed and used
11 specifically for the transport of assembled motor vehicles;

12 (3) "Axle load", the total load transmitted to the road by all wheels whose
13 centers are included between two parallel transverse vertical planes forty inches
14 apart, extending across the full width of the vehicle;

15 (4) "Boat transporter", any vehicle combination designed and used
16 specifically to transport assembled boats and boat hulls;

17 (5) "Body shop", a business that repairs physical damage on motor
18 vehicles that are not owned by the shop or its officers or employees by mending,
19 straightening, replacing body parts, or painting;

20 (6) "Bus", a motor vehicle primarily for the transportation of a driver and
21 eight or more passengers but not including shuttle buses;

22 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used
23 for carrying freight and merchandise, or more than eight passengers but not
24 including vanpools or shuttle buses;

25 (8) "Cotton trailer", a trailer designed and used exclusively for
26 transporting cotton at speeds less than forty miles per hour from field to field or

27 from field to market and return;

28 (9) "Dealer", any person, firm, corporation, association, agent or subagent
29 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
30 trailers;

31 (10) "Director" or "director of revenue", the director of the department of
32 revenue;

33 (11) "Driveaway operation":

34 (a) The movement of a motor vehicle or trailer by any person or motor
35 carrier other than a dealer over any public highway, under its own power singly,
36 or in a fixed combination of two or more vehicles, for the purpose of delivery for
37 sale or for delivery either before or after sale;

38 (b) The movement of any vehicle or vehicles, not owned by the transporter,
39 constituting the commodity being transported, by a person engaged in the
40 business of furnishing drivers and operators for the purpose of transporting
41 vehicles in transit from one place to another by the driveaway or towaway
42 methods; or

43 (c) The movement of a motor vehicle by any person who is lawfully
44 engaged in the business of transporting or delivering vehicles that are not the
45 person's own and vehicles of a type otherwise required to be registered, by the
46 driveaway or towaway methods, from a point of manufacture, assembly or
47 distribution or from the owner of the vehicles to a dealer or sales agent of a
48 manufacturer or to any consignee designated by the shipper or consignor;

49 (12) "Dromedary", a box, deck, or plate mounted behind the cab and
50 forward of the fifth wheel on the frame of the power unit of a truck
51 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
52 carry part of a load when operating independently or in a combination with a
53 semitrailer;

54 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

55 (14) "Fleet", any group of ten or more motor vehicles owned by the same
56 owner;

57 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

58 (16) "Fullmount", a vehicle mounted completely on the frame of either the
59 first or last vehicle in a saddlemount combination;

60 (17) "Gross weight", the weight of vehicle and/or vehicle combination
61 without load, plus the weight of any load thereon;

62 (18) "Hail-damaged vehicle", any vehicle, the body of which has become

63 dented as the result of the impact of hail;

64 (19) "Highway", any public thoroughfare for vehicles, including state
65 roads, county roads and public streets, avenues, boulevards, parkways or alleys
66 in any municipality;

67 (20) "Improved highway", a highway which has been paved with gravel,
68 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall
69 have a hard, smooth surface;

70 (21) "Intersecting highway", any highway which joins another, whether
71 or not it crosses the same;

72 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon
73 the highways and has no resale value except as a source of parts or scrap, and
74 shall not be titled or registered;

75 (23) "Kit vehicle", a motor vehicle assembled by a person other than a
76 generally recognized manufacturer of motor vehicles by the use of a glider kit or
77 replica purchased from an authorized manufacturer and accompanied by a
78 manufacturer's statement of origin;

79 (24) "Land improvement contractors' commercial motor vehicle", any
80 not-for-hire commercial motor vehicle the operation of which is confined to:

81 (a) An area that extends not more than a radius of one hundred miles
82 from its home base of operations when transporting its owner's machinery,
83 equipment, or auxiliary supplies to or from projects involving soil and water
84 conservation, or to and from equipment dealers' maintenance facilities for
85 maintenance purposes; or

86 (b) An area that extends not more than a radius of fifty miles from its
87 home base of operations when transporting its owner's machinery, equipment, or
88 auxiliary supplies to or from projects not involving soil and water conservation.
89 Nothing in this subdivision shall be construed to prevent any motor vehicle from
90 being registered as a commercial motor vehicle or local commercial motor vehicle;

91 (25) "Local commercial motor vehicle", a commercial motor vehicle whose
92 operations are confined solely to a municipality and that area extending not more
93 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying
94 operations are confined solely to the transportation of property owned by any
95 person who is the owner or operator of such vehicle to or from a farm owned by
96 such person or under the person's control by virtue of a landlord and tenant lease;
97 provided that any such property transported to any such farm is for use in the
98 operation of such farm;

99 (26) "Local log truck", a commercial motor vehicle which is registered
100 pursuant to this chapter to operate as a motor vehicle on the public highways of
101 this state, used exclusively in this state, used to transport harvested forest
102 products, operated solely at a forested site and in an area extending not more
103 than a [fifty-mile] **one hundred-mile** radius from such site, carries a load with
104 dimensions not in excess of twenty-five cubic yards per two axles with dual
105 wheels, and when operated on the national system of interstate and defense
106 highways described in Title 23, Section 103(e) of the United States Code, such
107 vehicle shall not exceed the weight limits of section 304.180, RSMo, does not have
108 more than four axles, and does not pull a trailer which has more than two
109 axles. Harvesting equipment which is used specifically for cutting, felling,
110 trimming, delimiting, debarking, chipping, skidding, loading, unloading, and
111 stacking may be transported on a local log truck. A local log truck may not
112 exceed the limits required by law, however, if the truck does exceed such limits
113 as determined by the inspecting officer, then notwithstanding any other
114 provisions of law to the contrary, such truck shall be subject to the weight limits
115 required by such sections as licensed for eighty thousand pounds;

116 (27) "Local log truck tractor", a commercial motor vehicle which is
117 registered under this chapter to operate as a motor vehicle on the public
118 highways of this state, used exclusively in this state, used to transport harvested
119 forest products, operated solely at a forested site and in an area extending not
120 more than a [fifty-mile] **one hundred-mile** radius from such site, operates with
121 a weight not exceeding twenty-two thousand four hundred pounds on one axle or
122 with a weight not exceeding forty-four thousand eight hundred pounds on any
123 tandem axle, and when operated on the national system of interstate and defense
124 highways described in Title 23, Section 103(e) of the United States Code, such
125 vehicle does not exceed the weight limits contained in section 304.180, RSMo, and
126 does not have more than three axles and does not pull a trailer which has more
127 than two axles. Violations of axle weight limitations shall be subject to the load
128 limit penalty as described for in sections 304.180 to 304.220, RSMo;

129 (28) "Local transit bus", a bus whose operations are confined wholly
130 within a municipal corporation, or wholly within a municipal corporation and a
131 commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming
132 a part of a public transportation system within such municipal corporation and
133 such municipal corporation and adjacent commercial zone;

134 (29) "Log truck", a vehicle which is not a local log truck or local log truck

135 tractor and is used exclusively to transport harvested forest products to and from
136 forested sites which is registered pursuant to this chapter to operate as a motor
137 vehicle on the public highways of this state for the transportation of harvested
138 forest products;

139 (30) "Major component parts", the rear clip, cowl, frame, body, cab,
140 front-end assembly, and front clip, as those terms are defined by the director of
141 revenue pursuant to rules and regulations or by illustrations;

142 (31) "Manufacturer", any person, firm, corporation or association engaged
143 in the business of manufacturing or assembling motor vehicles, trailers or vessels
144 for sale;

145 (32) "Mobile scrap processor", a business located in Missouri or any other
146 state that comes onto a salvage site and crushes motor vehicles and parts for
147 transportation to a shredder or scrap metal operator for recycling;

148 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957,
149 which receives a new, rebuilt or used engine, and which used the number
150 stamped on the original engine as the vehicle identification number;

151 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively
152 upon tracks, except farm tractors;

153 (35) "Motor vehicle primarily for business use", any vehicle other than a
154 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor
155 vehicle licensed for over twelve thousand pounds:

156 (a) Offered for hire or lease; or

157 (b) The owner of which also owns ten or more such motor vehicles;

158 (36) "Motorcycle", a motor vehicle operated on two wheels;

159 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having
160 an automatic transmission and a motor with a cylinder capacity of not more than
161 fifty cubic centimeters, which produces less than three gross brake horsepower,
162 and is capable of propelling the device at a maximum speed of not more than
163 thirty miles per hour on level ground;

164 (38) "Motortricycle", a motor vehicle operated on three wheels, including
165 a motorcycle while operated with any conveyance, temporary or otherwise,
166 requiring the use of a third wheel. A motortricycle shall not be included in the
167 definition of all-terrain vehicle;

168 (39) "Municipality", any city, town or village, whether incorporated or not;

169 (40) "Nonresident", a resident of a state or country other than the state
170 of Missouri;

171 (41) "Non-USA-std motor vehicle", a motor vehicle not originally
172 manufactured in compliance with United States emissions or safety standards;

173 (42) "Operator", any person who operates or drives a motor vehicle;

174 (43) "Owner", any person, firm, corporation or association, who holds the
175 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
176 the conditional sale or lease thereof with the right of purchase upon performance
177 of the conditions stated in the agreement and with an immediate right of
178 possession vested in the conditional vendee or lessee, or in the event a mortgagor
179 of a vehicle is entitled to possession, then such conditional vendee or lessee or
180 mortgagor shall be deemed the owner for the purpose of this law;

181 (44) "Public garage", a place of business where motor vehicles are housed,
182 stored, repaired, reconstructed or repainted for persons other than the owners or
183 operators of such place of business;

184 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned
185 by the rebuilder, but does not include certificated common or contract carriers of
186 persons or property;

187 (46) "Reconstructed motor vehicle", a vehicle that is altered from its
188 original construction by the addition or substitution of two or more new or used
189 major component parts, excluding motor vehicles made from all new parts, and
190 new multistage manufactured vehicles;

191 (47) "Recreational motor vehicle", any motor vehicle designed, constructed
192 or substantially modified so that it may be used and is used for the purposes of
193 temporary housing quarters, including therein sleeping and eating facilities
194 which are either permanently attached to the motor vehicle or attached to a unit
195 which is securely attached to the motor vehicle. Nothing herein shall prevent any
196 motor vehicle from being registered as a commercial motor vehicle if the motor
197 vehicle could otherwise be so registered;

198 (48) "Rollback or car carrier", any vehicle specifically designed to
199 transport wrecked, disabled or otherwise inoperable vehicles, when the
200 transportation is directly connected to a wrecker or towing service;

201 (49) "Saddlemount combination", a combination of vehicles in which a
202 truck or truck tractor tows one or more trucks or truck tractors, each connected
203 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
204 is a mechanism that connects the front axle of the towed vehicle to the frame or
205 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
206 connection. When two vehicles are towed in this manner the combination is

207 called a "double saddlemount combination". When three vehicles are towed in
208 this manner, the combination is called a "triple saddlemount combination";

209 (50) "Salvage dealer and dismantler", a business that dismantles used
210 motor vehicles for the sale of the parts thereof, and buys and sells used motor
211 vehicle parts and accessories;

212 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

213 (a) Has been damaged to the extent that the total cost of repairs to
214 rebuild or reconstruct the vehicle to its condition immediately before it was
215 damaged for legal operation on the roads or highways exceeds seventy-five
216 percent of the fair market value of the vehicle immediately preceding the time it
217 was damaged;

218 (b) By reason of condition or circumstance, has been declared salvage,
219 either by its owner, or by a person, firm, corporation, or other legal entity
220 exercising the right of security interest in it;

221 (c) Has been declared salvage by an insurance company as a result of
222 settlement of a claim for loss due to damage or theft;

223 (d) Ownership of which is evidenced by a salvage title; or

224 (e) Is abandoned property which is titled pursuant to section 304.155,
225 RSMo, or section 304.157, RSMo, and designated with the words
226 "salvage/abandoned property".

227 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the
228 cost of repairing, replacing, or reinstalling inflatable safety restraints, tires,
229 sound systems, or any sales tax on parts or materials to rebuild or reconstruct the
230 vehicle. For purposes of this definition, "fair market value" means the retail
231 value of a motor vehicle as:

232 a. Set forth in a current edition of any nationally recognized compilation
233 of retail values, including automated databases, or from publications commonly
234 used by the automotive and insurance industries to establish the values of motor
235 vehicles;

236 b. Determined pursuant to a market survey of comparable vehicles with
237 regard to condition and equipment; and

238 c. Determined by an insurance company using any other procedure
239 recognized by the insurance industry, including market surveys, that is applied
240 by the company in a uniform manner;

241 (52) "School bus", any motor vehicle used solely to transport students to
242 or from school or to transport students to or from any place for educational

243 purposes;

244 (53) "Shuttle bus", a motor vehicle used or maintained by any person,
245 firm, or corporation as an incidental service to transport patrons or customers of
246 the regular business of such person, firm, or corporation to and from the place of
247 business of the person, firm, or corporation providing the service at no fee or
248 charge. Shuttle buses shall not be registered as buses or as commercial motor
249 vehicles;

250 (54) "Special mobile equipment", every self-propelled vehicle not designed
251 or used primarily for the transportation of persons or property and incidentally
252 operated or moved over the highways, including farm equipment, implements of
253 husbandry, road construction or maintenance machinery, ditch-digging apparatus,
254 stone crushers, air compressors, power shovels, cranes, graders, rollers,
255 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,
256 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
257 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag
258 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This
259 enumeration shall be deemed partial and shall not operate to exclude other such
260 vehicles which are within the general terms of this section;

261 (55) "Specially constructed motor vehicle", a motor vehicle which shall not
262 have been originally constructed under a distinctive name, make, model or type
263 by a manufacturer of motor vehicles. The term "specially constructed motor
264 vehicle" includes kit vehicles;

265 (56) "Stinger-steered combination", a truck tractor-semitrailer wherein the
266 fifth wheel is located on a drop frame located behind and below the rearmost axle
267 of the power unit;

268 (57) "Tandem axle", a group of two or more axles, arranged one behind
269 another, the distance between the extremes of which is more than forty inches
270 and not more than ninety-six inches apart;

271 (58) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor
272 vehicle designed for drawing other vehicles, but not for the carriage of any load
273 when operating independently. When attached to a semitrailer, it supports a part
274 of the weight thereof;

275 (59) "Trailer", any vehicle without motive power designed for carrying
276 property or passengers on its own structure and for being drawn by a
277 self-propelled vehicle, except those running exclusively on tracks, including a
278 semitrailer or vehicle of the trailer type so designed and used in conjunction with

279 a self-propelled vehicle that a considerable part of its own weight rests upon and
280 is carried by the towing vehicle. The term "trailer" shall not include cotton
281 trailers as defined in subdivision (8) of this section and shall not include
282 manufactured homes as defined in section 700.010, RSMo;

283 (60) "Truck", a motor vehicle designed, used, or maintained for the
284 transportation of property;

285 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
286 which the two trailing units are connected with a B-train assembly which is a
287 rigid frame extension attached to the rear frame of a first semitrailer which
288 allows for a fifth-wheel connection point for the second semitrailer and has one
289 less articulation point than the conventional "A dolly" connected truck-tractor
290 semitrailer-trailer combination;

291 (62) "Truck-trailer boat transporter combination", a boat transporter
292 combination consisting of a straight truck towing a trailer using typically a ball
293 and socket connection with the trailer axle located substantially at the trailer
294 center of gravity rather than the rear of the trailer but so as to maintain a
295 downward force on the trailer tongue;

296 (63) "Used parts dealer", a business that buys and sells used motor vehicle
297 parts or accessories, but not including a business that sells only new,
298 remanufactured or rebuilt parts. "Business" does not include isolated sales at a
299 swap meet of less than three days;

300 (64) "Vanpool", any van or other motor vehicle used or maintained by any
301 person, group, firm, corporation, association, city, county or state agency, or any
302 member thereof, for the transportation of not less than eight nor more than
303 forty-eight employees, per motor vehicle, to and from their place of employment;
304 however, a vanpool shall not be included in the definition of the term "bus" or
305 "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section,
306 nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by
307 section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing
308 arrangements, recreational, personal, or maintenance uses constitute an
309 unlicensed use of the motor vehicle, unless used for monetary profit other than
310 for use in a ride-sharing arrangement;

311 (65) "Vehicle", any mechanical device on wheels, designed primarily for
312 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
313 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
314 or cotton trailers or motorized wheelchairs operated by handicapped persons;

315 (66) "Wrecker" or "tow truck", any emergency commercial vehicle
316 equipped, designed and used to assist or render aid and transport or tow disabled
317 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
318 point of storage or repair, including towing a replacement vehicle to replace a
319 disabled or wrecked vehicle;

320 (67) "Wrecker or towing service", the act of transporting, towing or
321 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
322 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
323 the operator directly or indirectly receives compensation or other personal gain.

**301.029. 1. Any self-propelled sprayer, floater, or other form of
2 implement of husbandry that is used for spraying chemicals or
3 spreading fertilizer for agricultural purposes may be moved or
4 operated on the highways of this state without complying with the
5 provisions of this chapter relating to titling, registration and the
6 display of license plates.**

**7 2. The exemption from titling, registration, and the display of
8 license plates provided for in subsection 1 of this section shall apply
9 whether the described vehicles are laden or unladen.**

**10 3. All other requirements of the law relating to motor vehicles,
11 unless the context clearly provides otherwise, shall apply to the
12 vehicles described in subsection one of this section when operated on
13 the highways of this state.**

**14 4. As used in this section, the term "implements of husbandry"
15 means all self-propelled machinery manufactured to be operated at low
16 speeds, specifically designed for, or especially adapted to be capable of,
17 incidental over-the-road and primary offroad usage and used
18 exclusively for the application of commercial plant food materials or
19 agricultural chemicals.**

301.040. The director of revenue shall notify each registered motor vehicle
2 owner by mail, at the last known address, within an appropriate period prior to
3 the beginning of the registration period to which he has been assigned, of the
4 date for reregistration. Such notice shall include an application blank for
5 registration and shall specify the amount of license fees due and the registration
6 period covered by such license. **No commercial inserts or other forms of
7 advertising shall accompany the notice.** Application blanks shall also be
8 furnished all branch offices of the department of revenue and license fee offices

9 designated by the director of revenue under the provisions of section 136.055,
10 RSMo, where they shall be made available to any person upon request. Failure
11 of the owner to receive such notice shall not relieve the owner of the requirement
12 to register pursuant to this chapter.

301.130. 1. The director of revenue, upon receipt of a proper application
2 for registration, required fees and any other information which may be required
3 by law, shall issue to the applicant a certificate of registration in such manner
4 and form as the director of revenue may prescribe and a set of license plates, or
5 other evidence of registration, as provided by this section. Each set of license
6 plates shall bear the name or abbreviated name of this state, the words
7 "SHOW-ME STATE", the month and year in which the registration shall expire,
8 and an arrangement of numbers or letters, or both, as shall be assigned from year
9 to year by the director of revenue. The plates shall also contain fully reflective
10 material with a common color scheme and design for each type of license plate
11 issued pursuant to this chapter. The plates shall be clearly visible at night, and
12 shall be aesthetically attractive. Special plates for qualified disabled veterans
13 will have the "DISABLED VETERAN" wording on the license plates in preference
14 to the words "SHOW-ME STATE" and special plates for members of the national
15 guard will have the "NATIONAL GUARD" wording in preference to the words
16 "SHOW-ME STATE".

17 2. The arrangement of letters and numbers of license plates shall be
18 uniform throughout each classification of registration. The director may provide
19 for the arrangement of the numbers in groups or otherwise, and for other
20 distinguishing marks on the plates.

21 3. All property-carrying commercial motor vehicles to be registered at a
22 gross weight in excess of twelve thousand pounds, all passenger-carrying
23 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,
24 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be
25 registered with the director of revenue as provided for in subsection 3 of section
26 301.030, or with the state highways and transportation commission as otherwise
27 provided in this chapter, but only one license plate shall be issued for each such
28 vehicle except as provided in this subsection. The applicant for registration of
29 any property-carrying commercial motor vehicle may request and be issued two
30 license plates for such vehicle, and if such plates are issued the director of
31 revenue may assess and collect an additional charge from the applicant in an
32 amount not to exceed the fee prescribed for personalized license plates in

33 subsection 1 of section 301.144.

34 4. The plates issued to manufacturers and dealers shall bear the [letter
35 "D" preceding the number] **letters and numbers as prescribed by section**
36 **301.560**, and the director may place upon the plates other letters or marks to
37 distinguish commercial motor vehicles and trailers and other types of motor
38 vehicles.

39 5. No motor vehicle or trailer shall be operated on any highway of this
40 state unless it shall have displayed thereon the license plate or set of license
41 plates issued by the director of revenue or the state highways and transportation
42 commission and authorized by section 301.140. Each such plate shall be securely
43 fastened to the motor vehicle in a manner so that all parts thereof shall be
44 plainly visible and reasonably clean so that the reflective qualities thereof are not
45 impaired. **Each such plate may be encased in a transparent cover so**
46 **long as the plate is plainly visible and its reflective qualities are not**
47 **impaired.** License plates shall be fastened to all motor vehicles except trucks,
48 tractors, truck tractors or truck-tractors licensed in excess of twelve thousand
49 pounds on the front and rear of such vehicles not less than eight nor more than
50 forty-eight inches above the ground, with the letters and numbers thereon right
51 side up. The license plates on trailers, motorcycles, motortricycles and
52 motorscooters shall be displayed on the rear of such vehicles, with the letters and
53 numbers thereon right side up. The license plate on buses, other than school
54 buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess
55 of twelve thousand pounds shall be displayed on the front of such vehicles not
56 less than eight nor more than forty-eight inches above the ground, with the
57 letters and numbers thereon right side up or if two plates are issued for the
58 vehicle pursuant to subsection 3 of this section, displayed in the same manner on
59 the front and rear of such vehicles. The license plate or plates authorized by
60 section 301.140, when properly attached, shall be prima facie evidence that the
61 required fees have been paid.

62 6. (1) The director of revenue shall issue annually or biennially a tab or
63 set of tabs as provided by law as evidence of the annual payment of registration
64 fees and the current registration of a vehicle in lieu of the set of
65 plates. Beginning January 1, 2010, the director may prescribe any additional
66 information recorded on the tab or tabs to ensure that the tab or tabs positively
67 correlate with the license plate or plates issued by the department of revenue for
68 such vehicle. Such tabs shall be produced in each license bureau office.

69 (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and
70 display such tab or tabs in the designated area of the license plate, no more than
71 one per plate.

72 (3) A tab or set of tabs issued by the director of revenue when attached
73 to a vehicle in the prescribed manner shall be prima facie evidence that the
74 registration fee for such vehicle has been paid.

75 (4) Except as otherwise provided in this section, the director of revenue
76 shall issue plates for a period of at least six years.

77 (5) For those commercial motor vehicles and trailers registered pursuant
78 to section 301.041, the plate issued by the highways and transportation
79 commission shall be a permanent nonexpiring license plate for which no tabs
80 shall be issued. Nothing in this section shall relieve the owner of any vehicle
81 permanently registered pursuant to this section from the obligation to pay the
82 annual registration fee due for the vehicle. The permanent nonexpiring license
83 plate shall be returned to the highways and transportation commission upon the
84 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring
85 license plate is issued, or the plate may be transferred to a replacement
86 commercial motor vehicle when the owner files a supplemental application with
87 the Missouri highways and transportation commission for the registration of such
88 replacement commercial motor vehicle. Upon payment of the annual registration
89 fee, the highways and transportation commission shall issue a certificate of
90 registration or other suitable evidence of payment of the annual fee, and such
91 evidence of payment shall be carried at all times in the vehicle for which it is
92 issued.

93 (6) Upon the sale or disposal of any vehicle permanently registered under
94 this section, or upon the termination of a lease of any such vehicle, the permanent
95 nonexpiring plate issued for such vehicle shall be returned to the highways and
96 transportation commission and shall not be valid for operation of such vehicle, or
97 the plate may be transferred to a replacement vehicle when the owner files a
98 supplemental application with the Missouri highways and transportation
99 commission for the registration of such replacement vehicle. If a vehicle which
100 is permanently registered under this section is sold, wrecked or otherwise
101 disposed of, or the lease terminated, the registrant shall be given credit for any
102 unused portion of the annual registration fee when the vehicle is replaced by the
103 purchase or lease of another vehicle during the registration year.

104 7. The director of revenue and the highways and transportation

105 commission may prescribe rules and regulations for the effective administration
106 of this section. No rule or portion of a rule promulgated under the authority of
107 this section shall become effective unless it has been promulgated pursuant to the
108 provisions of section 536.024, RSMo.

109 8. Notwithstanding the provisions of any other law to the contrary, owners
110 of motor vehicles other than apportioned motor vehicles or commercial motor
111 vehicles licensed in excess of eighteen thousand pounds gross weight may apply
112 for special personalized license plates. Vehicles licensed for eighteen thousand
113 pounds that display special personalized license plates shall be subject to the
114 provisions of subsections 1 and 2 of section 301.030.

115 9. [Commencing] **No later than** January 1, 2009, the director of revenue
116 shall [cause to be reissued] **commence the reissuance of** new license plates
117 of such design as directed by the director consistent with the terms, conditions,
118 and provisions of this section and this chapter. Except as otherwise provided in
119 this section, in addition to all other fees required by law, applicants for
120 registration of vehicles with license plates that expire [between January 1, 2009,
121 and December 31, 2011] **during the period of reissuance**, applicants for
122 registration of trailers or semitrailers with license plates that expire [between
123 January 1, 2009, and December 31, 2011] **during the period of reissuance**,
124 and applicants for registration of vehicles that are to be issued new license plates
125 **during the period of reissuance** shall pay [an additional fee, based on the
126 actual cost of the reissuance, to cover] the cost of [the newly reissued plates]
127 **reissuance** required by this subsection. The additional [fee] **cost** prescribed in
128 this subsection shall not be charged to persons receiving special license plates
129 issued under section 301.073 or 301.443. Historic motor vehicle license plates
130 registered pursuant to section 301.131 and specialized license plates are exempt
131 from the provisions of this subsection.

301.144. 1. The director of revenue shall establish and issue special
2 personalized license plates containing letters or numbers or combinations of
3 letters and numbers. Such license plates shall be made with fully reflective
4 material with a common color scheme and design, shall be clearly visible at night,
5 and shall be aesthetically attractive, as prescribed by section 301.130. Any
6 person desiring to obtain a special personalized license plate for any motor
7 vehicle the person owns, either solely or jointly, other than an apportioned motor
8 vehicle or a commercial motor vehicle licensed in excess of eighteen thousand
9 pounds gross weight shall apply to the director of revenue on a form provided by

10 the director and shall pay a fee of fifteen dollars in addition to the regular
11 registration fees. The director of revenue shall issue rules and regulations
12 setting the standards and establishing the procedure for application for and
13 issuance of the special personalized license plates and shall provide a deadline
14 each year for the applications. Any rule or portion of a rule, as that term is
15 defined in section 536.010, RSMo, that is created under the authority delegated
16 in this section shall become effective only if it complies with and is subject to all
17 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
18 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
19 powers vested with the general assembly pursuant to chapter 536, RSMo, to
20 review, to delay the effective date or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking authority and
22 any rule proposed or adopted after August 28, 2001, shall be invalid and void. No
23 two owners shall be issued identical plates. An owner shall make a new
24 application and pay a new fee each year such owner desires to obtain or retain
25 special personalized license plates; however, notwithstanding the provisions of
26 subsection 8 of section 301.130 to the contrary, the director shall allow the special
27 personalized license plates to be replaced with new plates every three years
28 without any additional charge, above the fee established in this section, to the
29 renewal applicant. Any person currently in possession of an approved
30 personalized license plate shall have first priority on that particular plate for
31 each of the following years that timely and appropriate application is made.

32 2. Upon application for a personalized plate by the owner of a motor
33 vehicle for which the owner has no registration plate available for transfer as
34 prescribed by section 301.140, the director shall issue a temporary permit
35 authorizing the operation of the motor vehicle until the personalized plate is
36 issued.

37 3. No personalized license plates shall be issued containing any letters,
38 numbers or combination of letters and numbers which are obscene, profane,
39 patently offensive or contemptuous of a racial or ethnic group, or offensive to good
40 taste or decency, or would present an unreasonable danger to the health or safety
41 of the applicant, of other users of streets and highways, or of the public in any
42 location where the vehicle with such a plate may be found. The director may
43 recall any personalized license plates, including those issued prior to August 28,
44 1992, if the director determines that the plates are obscene, profane, patently
45 offensive or contemptuous of a racial or ethnic group, or offensive to good taste

46 or decency, or would present an unreasonable danger to the health or safety of
47 the applicant, of other users of streets and highways, or of the public in any
48 location where the vehicle with such a plate may be found. Where the director
49 recalls such plates pursuant to the provisions of this subsection, the director shall
50 reissue personalized license plates to the owner of the motor vehicle for which
51 they were issued at no charge, if the new plates proposed by the owner of the
52 motor vehicle meet the standards established pursuant to this section. The
53 director shall not apply the provisions of this statute in a way that violates the
54 Missouri or United States Constitutions as interpreted by the courts with
55 controlling authority in the state of Missouri. The primary purpose of motor
56 vehicle licence plates is to identify motor vehicles. Nothing in the issuance of a
57 personalized license plate creates a designated or limited public forum. Nothing
58 contained in this subsection shall be interpreted to prohibit the use of license
59 plates, which are no longer valid for registration purposes, as collector's items or
60 for decorative purposes.

61 4. The director may also establish categories of special license plates from
62 which license plates may be issued. Any such person, other than a person
63 exempted from the additional fee pursuant to subsection 7 of this section, that
64 desires a personalized special license plate from any such category shall pay the
65 same additional fee and make the same kind of application as that required by
66 subsection 1 of this section, and the director shall issue such plates in the same
67 manner as other personalized special license plates are issued.

68 5. The director of revenue shall issue to residents of the state of Missouri
69 who hold an unrevoked and unexpired official amateur radio license issued by the
70 Federal Communications Commission, upon application and upon payment of the
71 additional fee specified in subsection 1 of this section, except for a person
72 exempted from the additional fee pursuant to subsection 7 of this section,
73 personalized special license plates bearing the official amateur radio call letters
74 assigned by the Federal Communications Commission to the applicant with the
75 words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The
76 application shall be accompanied by a statement stating that the applicant has
77 an unrevoked and unexpired amateur radio license issued by the Federal
78 Communications Commission and the official radio call letters assigned by the
79 Federal Communications Commission to the applicant. An owner making a new
80 application and paying a new fee to retain an amateur radio plate may request
81 a replacement plate with the words "AMATEUR RADIO" in place of the words

82 "SHOW-ME STATE". If application is made to retain a plate that is three years
83 old or older, the replacement plate shall be issued upon the payment of required
84 fees.

85 6. Notwithstanding any other provision to the contrary, any business that
86 repossesses motor vehicles or trailers and sells or otherwise disposes of them
87 shall be issued a placard displaying the word "Repossessed", provided such
88 business pays the fees presently required of a manufacturer, distributor, or dealer
89 in subsection 1 of section [301.253] **301.560**. Such placard shall bear a number
90 and shall be in such form as the director of revenue shall determine, and shall be
91 only used for demonstrations when displayed substantially as provided for
92 number plates on the rear of the motor vehicle or trailer.

93 7. Notwithstanding any provision of law to the contrary, any person who
94 has retired from any branch of the United States armed forces or reserves, the
95 United States Coast Guard or reserve, the United States Merchant Marines or
96 reserve, the National Guard, or any subdivision of any such services shall be
97 exempt from the additional fee required for personalized license plates issued
98 pursuant to section 301.441. As used in this subsection, "retired" means having
99 served twenty or more years in the appropriate branch of service and having
100 received an honorable discharge.

301.218. 1. No person shall, except as an incident to the sale, repair,
2 rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer
3 carry on or conduct the following business unless licensed to do so by the
4 department of revenue under sections 301.217 to 301.229:

5 (1) Selling used parts of or used accessories for vehicles as a used parts
6 dealer, as defined in section 301.010;

7 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts
8 thereof as a salvage dealer or dismantler, as defined in section 301.010;

9 (3) Rebuilding and repairing four or more wrecked or dismantled vehicles
10 in a calendar year as a rebuilder or body shop, as defined in section 301.010;

11 (4) Processing scrapped vehicles or vehicle parts as a mobile scrap
12 processor, as defined in section 301.010.

13 2. Sales at a salvage pool or a salvage disposal sale shall be open [only to
14 and made to persons holding a current license under sections 301.217 to 301.221
15 as a salvage dealer and dismantler and actually engaged in that business. Such
16 persons must have and present a separate buyer's identification card issued by
17 the department of revenue to buy at a salvage pool or salvage disposal sale. If

18 the prospective purchasers are not engaged in such business in Missouri but are
19 in some other state, then they shall submit a fee of twenty-five dollars and must
20 furnish proof of licensure or nonrequirement therefor from their state to the
21 director of revenue who shall issue a buyer's identification card after verifying
22 that the prospective purchaser is entitled to have the same in order to buy
23 salvage vehicles. The director of revenue shall adopt rules for criteria and
24 requirements for out of state, prospective purchasers to meet in order to be issued
25 a buyer's identification card] **to all potential buyers, whether or not they**
26 **are required to be licensed under sections 301.218 to 301.226.** Operators
27 of salvage pools or salvage disposal sales shall keep a record, for three years, of
28 sales of salvage vehicles with the purchasers' name and address, and the year,
29 make, and vehicle identification number for each vehicle. These records shall be
30 open for inspection as provided in section 301.225.

31 3. The director of revenue shall issue a separate license for each kind of
32 business described in this section, to be entitled and designated as either "used
33 parts dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "mobile
34 scrap processor" license.

301.221. 1. The department shall file each application received by it with
2 the required fee, and when satisfied that the applicant, if an individual, or each
3 of the partners or principal officers of the applicant, if a partnership or a
4 corporation, is of good moral character and that the applicant, so far as can be
5 ascertained, has complied and will comply with the provisions of sections 301.217
6 to 301.229 and the laws of this state relating to registration of and certificates of
7 title of vehicles, shall issue to the applicant a license to carry on and conduct the
8 kind of businesses, enumerated in section 301.218, specified in the application at
9 the address therein specified, until the next license renewal date.

10 2. When the application is being made for licensure as a salvage dealer,
11 a certification by a uniformed member **or an authorized or designated**
12 **employee** of the Missouri state highway patrol stationed in the troop area in
13 which the applicant's place of business is located; except, that in counties of the
14 first classification, certification may be performed by an officer of a metropolitan
15 police department when the applicant's established place of business of salvage
16 is in the metropolitan area where the certifying metropolitan police officer is
17 employed. An applicant shall have a bona fide established place of business
18 which shall include a permanent enclosed building or structure, either owned in
19 fee or leased and actually occupied as a place of business by the applicant for:

- 20 (1) Selling used parts of or used accessories for vehicles; or
21 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts
22 thereof; or
23 (3) Rebuilding and repairing wrecked or dismantled vehicles; or
24 (4) Processing scrapped vehicles or vehicle parts.

25 3. The applicant's place of business shall be a place wherein the public
26 may contact the owner or operator, in person or by telephone, at any reasonable
27 time, and wherein shall be kept and maintained the books, records, files, tools,
28 equipment and other matters required and necessary to conduct the business.

29 4. The application shall include a photograph, not to exceed eight inches
30 by ten inches, showing the building and business premises and shall accompany
31 the initial application but will not be required for subsequent renewals unless
32 substantial changes have been made to the building or business premises.

301.225. Every person licensed or required to be licensed shall maintain
2 for three years on vehicles not more than seven years old a record of:

3 (1) Every vehicle or used transmission, rear end, cowl, frame, body, front
4 end assembly or engine of or for a vehicle received or acquired by him, its
5 description and identifying number, if any, the date of its receipt or acquisition,
6 and the name and address of the person from whom received or acquired;

7 (2) Every vehicle wrecked, dismantled or disposed of by him, and the date
8 of its wrecking or dismantling and, if sold to a scrap metal operator, the
9 operator's name and address.

10 Every such record shall be retained by the person licensed or required to be
11 licensed at his principal place of business and shall be open to inspection by any
12 representative of the department, member **or authorized or designated**
13 **employee** of the Missouri highway patrol, or any police officer during reasonable
14 business hours. Members of the patrol or any police officer may inspect the
15 premises of every person licensed or required to be licensed at any time that
16 business is being conducted or work is being performed, whether or not open to
17 the public to enforce the provisions of sections 301.217 to 301.229.

301.229. 1. Anyone who violates any provision of sections 301.217 to
2 301.229 is guilty of a class A misdemeanor and, upon conviction, shall be
3 punished as provided by law.

4 2. The director of revenue or his **or her** designated representative,
5 **including members or authorized or designated employees of the**
6 **Missouri state highway patrol** shall administer and enforce the provisions of

7 sections 301.217 to 301.229 and may develop, prescribe and issue any forms,
8 notices or other written documents in order to enforce such authority and to
9 ensure that every person licensed or required to be licensed pursuant to sections
10 301.217 to 301.229 is in compliance with sections 301.217 to 301.229.

301.301. 1. Any person replacing a stolen license plate tab **issued on or**
2 **after January 1, 2009**, may receive at no cost up to two sets of two license plate
3 tabs per year when the application for the replacement tab is accompanied with
4 a police report that is corresponding with the stolen license plate tab.

5 **2. Any person replacing a stolen license plate tab issued prior to**
6 **January 1, 2009, may receive at no cost up to two sets of two license**
7 **plate tabs per year when the application for the replacement tab is**
8 **accompanied with a notarized affidavit verifying that such license plate**
9 **tab or tabs were stolen.**

301.444. 1. [Any person, as defined in subsection 3 of this section, may
2 apply for special license plates for any motor vehicle such person owns, either
3 solely or jointly, other than an apportioned motor vehicle or a commercial motor
4 vehicle licensed in excess of eighteen thousand pounds gross weight. The
5 firefighter memorial foundation of Missouri hereby authorizes the use of its
6 official emblem to be affixed on multiyear personalized license plates as provided
7 in this section.

8 2. Upon application and payment of a one-time twenty-five dollar
9 emblem-use contribution to the firefighter memorial foundation of Missouri, the
10 foundation shall issue to the vehicle owner, without further charge, an
11 emblem-use authorization statement, which shall be presented to the department
12 of revenue at the time of registration of a motor vehicle.

13 3. As used in this section, the term "person" shall mean:

14 (1) A director of a fire protection district;

15 (2) Persons compensated, partially compensated, or volunteer members
16 of any fire department, fire protection district, or voluntary fire protection
17 association of this state;

18 (3) A person wounded in the line of duty as a firefighter; or

19 (4) A surviving spouse, parent, brother, sister, or adult child, including
20 an adopted child or stepchild, of a person killed in the line of duty as a
21 firefighter.

22 4. Upon presentation of the emblem-use authorization statement and
23 payment of a fifteen dollar fee in addition to the regular registration fees and

24 presentation of other documents which may be required by law, the department
25 of revenue shall issue a personalized license plate to the vehicle owner, which
26 shall bear the emblem of the firefighter memorial foundation of Missouri and the
27 word "FIREFIGHTER" in place of the words "SHOW-ME STATE". Such license
28 plates shall be made with fully reflective material with a common color scheme
29 and design, shall be clearly visible at night, and shall be aesthetically attractive,
30 as prescribed by section 301.130. Notwithstanding the provisions of section
31 301.144, no additional fee shall be charged for the personalization of license
32 plates pursuant to this section.

33 5. The director of revenue may promulgate rules and regulations for the
34 administration of this section. Any rule or portion of a rule, as that term is
35 defined in section 536.010, RSMo, that is created under the authority delegated
36 in this section shall become effective only if it complies with and is subject to all
37 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
38 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
39 powers vested with the general assembly pursuant to chapter 536, RSMo, to
40 review, to delay the effective date, or to disapprove and annul a rule are
41 subsequently held unconstitutional, then the grant of rulemaking authority and
42 any rule proposed or adopted after August 28, 2004, shall be invalid and void.]

43 **Owners or a joint owner of motor vehicles who are residents of the**
44 **state of Missouri, and who are directors of a fire protection district or**
45 **who are compensated, partially compensated, or volunteer members of**
46 **any fire department, fire protection district, or voluntary fire**
47 **protection association in this state, upon application accompanied by**
48 **affidavit as prescribed in this section, complying with the state motor**
49 **vehicle laws relating to registration and licensing of motor vehicles,**
50 **and upon payment of a fee as prescribed in this section, shall be issued**
51 **a set of license plates for any motor vehicle such person owns, either**
52 **solely or jointly, other than an apportioned motor vehicle or a**
53 **commercial motor vehicle licensed in excess of eighteen thousand**
54 **pounds gross weight. The license plates shall be inscribed with a**
55 **variation of the Maltese cross that signifies the universally recognized**
56 **symbol for firefighters. In addition, upon such set of license plates**
57 **shall be inscribed, in lieu of the words "Show-me State", the word**
58 **"FIREFIGHTER". Such license plates shall be made will fully reflective**
59 **material, shall be clearly visible at night, and shall be aesthetically**

60 attractive, as prescribed by section 301.130.

61 2. Applications for license plates issued under this section shall
62 be made to the director of revenue and shall be accompanied by an
63 affidavit stating that the applicant is a person described in subsection
64 1 of this section. Any person who is lawfully in possession of such
65 plates who resigns, is removed, or otherwise terminates or is
66 terminated from his association with such fire department, fire
67 protection district, or voluntary fire protection association shall return
68 such special plates to the director within fifteen days.

69 3. An additional annual fee equal to that charged for
70 personalized license plates in section 301.144 shall be paid to the
71 director of revenue for the issuance of the license plates provided for
72 in this section.

301.550. 1. The definitions contained in section 301.010 shall apply to
2 sections 301.550 to 301.573, and in addition as used in sections 301.550 to
3 301.573, the following terms mean:

4 (1) "Boat dealer", any natural person, partnership, or corporation who, for
5 a commission or with an intent to make a profit or gain of money or other thing
6 of value, sells, barter, exchanges, leases or rents with the option to purchase,
7 offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer,
8 whether or not the vessel or vessel trailer is owned by such person. The sale of
9 six or more vessels or vessel trailers or both in any calendar year shall be
10 required as evidence that such person is eligible for licensure as a boat dealer
11 under sections 301.550 to 301.573. The boat dealer shall demonstrate eligibility
12 for renewal of his license by selling six or more vessels or vessel trailers or both
13 in the prior calendar year while licensed as a boat dealer pursuant to sections
14 301.550 to 301.573;

15 (2) "Boat manufacturer", any person engaged in the manufacturing,
16 assembling or modification of new vessels or vessel trailers as a regular business,
17 including a person, partnership or corporation which acts for and is under the
18 control of a manufacturer or assembly in connection with the distribution of
19 vessels or vessel trailers;

20 (3) "Department", the Missouri department of revenue;

21 (4) "Director", the director of the Missouri department of revenue;

22 (5) "**Emergency vehicles**", **motor vehicles used as ambulances, law**
23 **enforcement vehicles, and fire fighting and assistance vehicles;**

24 **(6)** "Manufacturer", any person engaged in the manufacturing, assembling
25 or modification of new motor vehicles or trailers as a regular business, including
26 a person, partnership or corporation which acts for and is under the control of a
27 manufacturer or assembly in connection with the distribution of motor vehicles
28 or accessories for motor vehicles;

29 **[(6)] (7)** "Motor vehicle broker", a person who holds himself out through
30 solicitation, advertisement, or otherwise as one who offers to arrange a
31 transaction involving the retail sale of a motor vehicle, and who is not:

32 (a) A dealer, or any agent, or any employee of a dealer when acting on
33 behalf of a dealer;

34 (b) A manufacturer, or any agent, or employee of a manufacturer when
35 acting on behalf of a manufacturer;

36 (c) The owner of the vehicle involved in the transaction; or

37 (d) A public motor vehicle auction or wholesale motor vehicle auction
38 where buyers are licensed dealers in this or any other jurisdiction;

39 **[(7)] (8)** "Motor vehicle dealer" or "dealer", any person who, for
40 commission or with an intent to make a profit or gain of money or other thing of
41 value, sells, barter, exchanges, leases or rents with the option to purchase, or
42 who offers or attempts to sell or negotiates the sale of motor vehicles or trailers
43 whether or not the motor vehicles or trailers are owned by such person; provided,
44 however, an individual auctioneer or auction conducted by an auctioneer licensed
45 pursuant to chapter 343, RSMo, shall not be included within the definition of a
46 motor vehicle dealer. The sale of six or more motor vehicles or trailers in any
47 calendar year shall be required as evidence that such person is engaged in the
48 motor vehicle business and is eligible for licensure as a motor vehicle dealer
49 under sections 301.550 to 301.573;

50 **[(8)] (9)** "New motor vehicle", any motor vehicle being transferred for the
51 first time from a manufacturer, distributor or new vehicle dealer which has not
52 been registered or titled in this state or any other state and which is offered for
53 sale, barter or exchange by a dealer who is franchised to sell, barter or exchange
54 that particular make of motor vehicle. The term "new motor vehicle" shall not
55 include manufactured homes, as defined in section 700.010, RSMo;

56 **[(9)] (10)** "New motor vehicle franchise dealer", any motor vehicle dealer
57 who has been franchised to deal in a certain make of motor vehicle by the
58 manufacturer or distributor of that make and motor vehicle and who may, in line
59 with conducting his business as a franchise dealer, sell, barter or exchange used

60 motor vehicles;

61 [(10)] (11) "Person" includes an individual, a partnership, corporation,
62 an unincorporated society or association, joint venture or any other entity;

63 [(11)] (12) "Powersport dealer", any motor vehicle dealer who sells, either
64 pursuant to a franchise agreement or otherwise, primarily motor vehicles
65 including but not limited to motorcycles, all-terrain vehicles, and personal
66 watercraft, as those terms are defined in this chapter and chapter 306, RSMo;

67 [(12)] (13) "Public motor vehicle auction", any person, firm or corporation
68 who takes possession of a motor vehicle whether by consignment, bailment or any
69 other arrangement, except by title, for the purpose of selling motor vehicles at a
70 public auction by a licensed auctioneer;

71 [(13)] (14) "Storage lot", an area, within the same city or county where
72 a dealer may store excess vehicle inventory;

73 [(14)] (15) "Used motor vehicle", any motor vehicle which is not a new
74 motor vehicle, as defined in sections 301.550 to 301.573, and which has been sold,
75 bartered, exchanged or given away or which may have had a title issued in this
76 state or any other state, or a motor vehicle so used as to be what is commonly
77 known as a secondhand motor vehicle. In the event of an assignment of the
78 statement of origin from an original franchise dealer to any individual or other
79 motor vehicle dealer other than a new motor vehicle franchise dealer of the same
80 make, the vehicle so assigned shall be deemed to be a used motor vehicle and a
81 certificate of ownership shall be obtained in the assignee's name. The term "used
82 motor vehicle" shall not include manufactured homes, as defined in section
83 700.010, RSMo;

84 [(15)] (16) "Used motor vehicle dealer", any motor vehicle dealer who is
85 not a new motor vehicle franchise dealer;

86 [(16)] (17) "Vessel", every boat and watercraft defined as a vessel in
87 section 306.010, RSMo;

88 [(17)] (18) "Vessel trailer", any trailer, as defined by section 301.010
89 which is designed and manufactured for the purposes of transporting vessels;

90 [(18)] (19) "Wholesale motor vehicle auction", any person, firm or
91 corporation in the business of providing auction services solely in wholesale
92 transactions at its established place of business in which the purchasers are
93 motor vehicle dealers licensed by this or any other jurisdiction, and which neither
94 buys, sells nor owns the motor vehicles it auctions in the ordinary course of its
95 business. Except as required by law with regard to the auction sale of a

96 government owned motor vehicle, a wholesale motor vehicle auction shall not
97 provide auction services in connection with the retail sale of a motor vehicle;

98 ~~[(19)]~~ **(20)** "Wholesale motor vehicle dealer", a motor vehicle dealer who
99 sells motor vehicles only to other new motor vehicle franchise dealers or used
100 motor vehicle dealers or via auctions limited to other dealers of any class.

101 2. For purposes of sections 301.550 to 301.573, neither the term "motor
102 vehicle" nor the term "trailer" shall include manufactured homes, as defined in
103 section 700.010, RSMo.

104 3. Dealers shall be divided into classes as follows:

- 105 (1) Boat dealers;
- 106 (2) Franchised new motor vehicle dealers;
- 107 (3) Used motor vehicle dealers;
- 108 (4) Wholesale motor vehicle dealers;
- 109 (5) Recreational motor vehicle dealers;
- 110 (6) Historic motor vehicle dealers;
- 111 (7) Classic motor vehicle dealers; and
- 112 (8) Powersport dealers.

301.560. 1. In addition to the application forms prescribed by the
2 department, each applicant shall submit the following to the department:

3 (1) Every application other than a renewal application for a motor vehicle
4 franchise dealer shall include a certification that the applicant has a bona fide
5 established place of business. When the application is being made for licensure
6 as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer,
7 wholesale motor vehicle auction or a public motor vehicle auction, certification
8 shall be performed by a uniformed member of the Missouri state highway patrol
9 stationed in the troop area in which the applicant's place of business is located;
10 except, that in counties of the first classification, certification may be performed
11 by an officer of a metropolitan police department when the applicant's established
12 place of business of distributing or selling motor vehicles or trailers is in the
13 metropolitan area where the certifying metropolitan police officer is
14 employed. When the application is being made for licensure as a boat
15 manufacturer or boat dealer, certification shall be performed by a uniformed
16 member of the Missouri state water patrol stationed in the district area in which
17 the applicant's place of business is located or by a uniformed member of the
18 Missouri state highway patrol stationed in the troop area in which the applicant's
19 place of business is located or, if the applicant's place of business is located

20 within the jurisdiction of a metropolitan police department in a first class county,
21 by an officer of such metropolitan police department. A bona fide established
22 place of business for any new motor vehicle franchise dealer or used motor vehicle
23 dealer shall include a permanent enclosed building or structure, either owned in
24 fee or leased and actually occupied as a place of business by the applicant for the
25 selling, bartering, trading or exchanging of motor vehicles or trailers and wherein
26 the public may contact the owner or operator at any reasonable time, and wherein
27 shall be kept and maintained the books, records, files and other matters required
28 and necessary to conduct the business. The applicant's place of business shall
29 contain a working telephone which shall be maintained during the entire
30 registration year. In order to qualify as a bona fide established place of business
31 for all applicants licensed pursuant to this section there shall be an exterior sign
32 displayed carrying the name of the business set forth in letters at least six inches
33 in height and clearly visible to the public and there shall be an area or lot which
34 shall not be a public street on which one or more vehicles may be displayed,
35 except when licensure is for a wholesale motor vehicle dealer, a lot and sign shall
36 not be required. The sign shall contain the name of the dealership by which it
37 is known to the public through advertising or otherwise, which need not be
38 identical to the name appearing on the dealership's license so long as such name
39 is registered as a fictitious name with the secretary of state, has been approved
40 by its line-make manufacturer in writing in the case of a new motor vehicle
41 franchise dealer and a copy of such fictitious name registration has been provided
42 to the department. When licensure is for a boat dealer, a lot shall not be
43 required. In the case of new motor vehicle franchise dealers, the bona fide
44 established place of business shall include adequate facilities, tools and personnel
45 necessary to properly service and repair motor vehicles and trailers under their
46 franchisor's warranty. **Dealers who sell only emergency vehicles as**
47 **defined in section 301.550 are exempt from maintaining a bona fide**
48 **place of business, including the related law enforcement certification**
49 **requirements, and from meeting the minimum yearly sales;**

50 (2) If the application is for licensure as a manufacturer, boat
51 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer,
52 wholesale motor vehicle auction, boat dealer or a public motor vehicle auction, a
53 photograph, not to exceed eight inches by ten inches, showing the business
54 building and sign shall accompany the initial application. In the case of a
55 manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer,

56 the photograph shall include the lot of the business. A new motor vehicle
57 franchise dealer applicant who has purchased a currently licensed new motor
58 vehicle franchised dealership shall be allowed to submit a photograph of the
59 existing dealership building, lot and sign but shall be required to submit a new
60 photograph upon the installation of the new dealership sign as required by
61 sections 301.550 to 301.573. Applicants shall not be required to submit a
62 photograph annually unless the business has moved from its previously licensed
63 location, or unless the name of the business or address has changed, or unless the
64 class of business has changed;

65 (3) If the application is for licensure as a wholesale motor vehicle dealer
66 or as a boat dealer, the application shall contain the business address, not a post
67 office box, and telephone number of the place where the books, records, files and
68 other matters required and necessary to conduct the business are located and
69 where the same may be inspected during normal daytime business
70 hours. Wholesale motor vehicle dealers and boat dealers shall file reports as
71 required of new franchised motor vehicle dealers and used motor vehicle dealers;

72 (4) Every applicant as a new motor vehicle franchise dealer, a used motor
73 vehicle dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with
74 the application a corporate surety bond or an irrevocable letter of credit as
75 defined in section 400.5-103, RSMo, issued by any state or federal financial
76 institution in the penal sum of twenty-five thousand dollars on a form approved
77 by the department. The bond or irrevocable letter of credit shall be conditioned
78 upon the dealer complying with the provisions of the statutes applicable to new
79 motor vehicle franchise dealers, used motor vehicle dealers, wholesale motor
80 vehicle dealers and boat dealers, and the bond shall be an indemnity for any loss
81 sustained by reason of the acts of the person bonded when such acts constitute
82 grounds for the suspension or revocation of the dealer's license. The bond shall
83 be executed in the name of the state of Missouri for the benefit of all aggrieved
84 parties or the irrevocable letter of credit shall name the state of Missouri as the
85 beneficiary; except, that the aggregate liability of the surety or financial
86 institution to the aggrieved parties shall, in no event, exceed the amount of the
87 bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter
88 of credit shall be paid upon receipt by the department of a final judgment from
89 a Missouri court of competent jurisdiction against the principal and in favor of
90 an aggrieved party;

91 (5) Payment of all necessary license fees as established by the

92 department. In establishing the amount of the annual license fees, the
93 department shall, as near as possible, produce sufficient total income to offset
94 operational expenses of the department relating to the administration of sections
95 301.550 to 301.573. All fees payable pursuant to the provisions of sections
96 301.550 to 301.573, other than those fees collected for the issuance of dealer
97 plates or certificates of number collected pursuant to subsection 6 of this section,
98 shall be collected by the department for deposit in the state treasury to the credit
99 of the "Motor Vehicle Commission Fund", which is hereby created. The motor
100 vehicle commission fund shall be administered by the Missouri department of
101 revenue. [The provisions of section 33.080, RSMo, to the contrary
102 notwithstanding, money in such fund shall not be transferred and placed to the
103 credit of the general revenue fund until the amount in the motor vehicle
104 commission fund at the end of the biennium exceeds two times the amount of the
105 appropriation from such fund for the preceding fiscal year or, if the department
106 requires permit renewal less frequently than yearly, then three times the
107 appropriation from such fund for the preceding fiscal year. The amount, if any,
108 in the fund which shall lapse is that amount in the fund which exceeds the
109 multiple of the appropriation from such fund for the preceding fiscal year.] **At**
110 **the end of each biennium and after all statutorily or constitutionally**
111 **required transfer of funds have been made, the state treasurer shall**
112 **transfer the balance in the motor vehicle commission fund, except for**
113 **gifts, donations, bequests, or money received from a federal source, in**
114 **excess of two hundred percent of the previous fiscal year's**
115 **expenditures into the state general revenue fund.**

116 2. In the event a new manufacturer, boat manufacturer, motor vehicle
117 dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle
118 auction or a public motor vehicle auction submits an application for a license for
119 a new business and the applicant has complied with all the provisions of this
120 section, the department shall make a decision to grant or deny the license to the
121 applicant within eight working hours after receipt of the dealer's application,
122 notwithstanding any rule of the department.

123 3. Upon the initial issuance of a license by the department, the
124 department shall assign a distinctive dealer license number or certificate of
125 number to the applicant and the department shall issue one number plate or
126 certificate bearing the distinctive dealer license number or certificate of number
127 within eight working hours after presentment of the application. Upon the

128 renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer,
 129 public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor
 130 vehicle auction, the department shall issue the distinctive dealer license number
 131 or certificate of number as quickly as possible. The issuance of such distinctive
 132 dealer license number or certificate of number shall be in lieu of registering each
 133 motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat
 134 manufacturer, manufacturer, public motor vehicle auction, wholesale motor
 135 vehicle dealer, wholesale motor vehicle auction or motor vehicle dealer.

136 4. Notwithstanding any other provision of the law to the contrary, the
 137 department shall assign the following distinctive dealer license numbers to:

- 138 New motor vehicle franchise
- 139 dealers D-0 through D-999
- 140 New [motor vehicle franchise and commercial motor vehicle] **powersport**
- 141 **dealers** D-1000 through D-1999
- 142 Used motor vehicle [dealers]
- 143 **and used powersport dealers** D2000 through [D-5399] **D-9999**
- 144 [and D-6000 through D-9999]
- 145 Wholesale motor vehicle
- 146 dealers [W-1000] **W-0** through W-1999
- 147 Wholesale motor vehicle
- 148 auctions [W-2000] **WA-0** through [W-2999] **WA-999**
- 149 **New and used** trailer dealers T-0 through T-9999
- 150 Motor vehicle [and], trailer, **and boat**
- 151 manufacturers [M-0] **DM-0** through [M-9999] **DM-999**
- 152 [Motorcycle dealers D-5400 through D-5999]
- 153 Public motor vehicle
- 154 auctions [A-1000] **A-0** through A-1999
- 155 Boat dealers [and boat
- 156 manufacturers] [B-0] **M-0** through [B-9999] **M-9999**
- 157 **New and used recreational motor**
- 158 **vehicle dealers**..... **RV-0** through **RV-9999**

159 **The provisions of this subsection shall become effective on the date the**
 160 **director of the department of revenue begins to reissue new license**
 161 **plates under section 301.130, or on December 1, 2008, whichever occurs**
 162 **first. If the director of revenue begins reissuing new license plates**
 163 **under the authority granted under section 301.130 prior to December**

164 **1, 2008, the director of the department of revenue shall notify the**
165 **revisor of statutes of such fact.**

166 5. Upon the sale of a currently licensed new motor vehicle franchise
167 dealership the department shall, upon request, authorize the new approved dealer
168 applicant to retain the selling dealer's license number and shall cause the new
169 dealer's records to indicate such transfer.

170 6. In the case of **new motor vehicle** manufacturers [and], motor vehicle
171 dealers, **powersport dealers, recreational motor vehicle dealers, and**
172 **trailer dealers**, the department shall [also] issue one number plate bearing the
173 distinctive dealer license number **and two additional number plates** to the
174 applicant upon payment by the manufacturer or dealer of a fifty dollar fee **for**
175 **the number plate bearing the distinctive dealer license number and**
176 **twenty-one dollar fee for the additional number plates.** Such license
177 plates shall be made with fully reflective material with a common color scheme
178 and design, shall be clearly visible at night, and shall be aesthetically attractive,
179 as prescribed by section 301.130. Boat dealers and boat manufacturers shall be
180 entitled to one certificate of number bearing such number upon the payment of
181 a fifty dollar fee. [As many] Additional number plates [as may be desired by
182 manufacturers and motor vehicle dealers] and as many additional certificates of
183 number [as may be desired by boat dealers and boat manufacturers] may be
184 obtained upon payment of a fee of ten dollars and fifty cents for each additional
185 plate or certificate. **New motor vehicle manufacturers shall not be issued**
186 **or possess more than three hundred forty-seven additional number**
187 **plates or certificates of number annually. New and used motor vehicle**
188 **dealers, powersport dealers, wholesale motor vehicle dealers, boat**
189 **dealers, and trailer dealers are limited to one additional plate or**
190 **certificate of number per ten-unit qualified transactions annually. New**
191 **and used recreational motor vehicle dealers are limited to two**
192 **additional plates or certificate of number per ten-unit qualified**
193 **transactions annually for their first fifty transactions and one**
194 **additional plate or certificate of number per ten-unit qualified**
195 **transactions thereafter. An applicant seeking the issuance of an initial**
196 **license shall indicate on his or her initial application the applicant's**
197 **proposed annual number of sales in order for the director to issue the**
198 **appropriate number of additional plates or certificates of number. A**
199 motor vehicle dealer, **trailer dealer, boat dealer, powersport dealer,**

200 **recreational motor vehicle dealer, motor vehicle** manufacturer, boat
201 manufacturer, [public motor vehicle auction,] **or** wholesale motor vehicle dealer
202 [or wholesale motor vehicle auction] obtaining a **distinctive** dealer license plate
203 or certificate of number or additional license plate or additional certificate of
204 number, throughout the calendar year, shall be required to pay a fee for such
205 license plates or certificates of number computed on the basis of one-twelfth of the
206 full fee prescribed for the original and duplicate number plates or certificates of
207 number for such dealers' licenses, multiplied by the number of months remaining
208 in the licensing period for which the dealer or manufacturers shall be required
209 to be licensed. In the event of a renewing dealer, the fee due at the time of
210 renewal shall not be prorated. **Wholesale and public auctions shall be**
211 **issued a certificate of dealer registration in lieu of a dealer number**
212 **plate. In order for dealers to obtain number plates or certificates**
213 **under this section, dealers shall submit to the department of revenue**
214 **on August first of each year a statement certifying, under penalty of**
215 **perjury, the dealer's number of sales during the reporting period of**
216 **July first of the immediately preceding year to July thirtieth of the**
217 **present year.**

218 7. The plates issued pursuant to subsection 3 or 6 of this section may be
219 displayed on any motor vehicle owned **by a new motor vehicle**
220 **manufacturer. The plates issued pursuant to subsection 3 or 6 of this**
221 **section may be displayed on any motor vehicle or trailer owned** and held
222 for resale by [the] a motor vehicle dealer [or manufacturer, and used] **for use** by
223 a customer who is test driving the motor vehicle, [or is used] **for use and**
224 **display purposes during, but not limited to, parades, private events,**
225 **charitable events, or for use** by an employee or officer, but shall not be
226 displayed on any motor vehicle or trailer hired or loaned to others or upon any
227 regularly used service or wrecker vehicle. Motor vehicle dealers may display
228 their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under
229 a loaded condition. **Trailer dealers may display their dealer license plates**
230 **in like manner, except such plates may only be displayed on trailers**
231 **owned and held for resale by the trailer dealer.**

232 8. The certificates of number issued pursuant to subsection 3 or 6 of this
233 section may be displayed on any vessel or vessel trailer owned and held for resale
234 by a boat manufacturer or a boat dealer, and used by a customer who is test
235 driving the vessel or vessel trailer, or is used by an employee or officer **on a**

236 **vessel or vessel trailer only**, but shall not be displayed on any **motor vehicle**
237 **owned by a boat manufacturer, boat dealer, or trailer dealer, or** vessel
238 or vessel trailer hired or loaned to others or upon any regularly used service
239 vessel or vessel trailer. Boat dealers and **boat** manufacturers may display their
240 certificate of number on a vessel or vessel trailer [which is being transported]
241 **when transporting a vessel or vessels** to an exhibit or show.

242 9. (1) [Beginning August 28, 2006,] Every application for the issuance
243 of a used motor vehicle dealer's license shall be accompanied by proof that the
244 applicant, within the last twelve months, has completed an educational seminar
245 course approved by the department as prescribed by subdivision (2) of this
246 subsection. Wholesale and [retail] **public auto auctions and applicants**
247 **currently holding a new or used license for a separate dealership** shall
248 be exempt from the requirements of this subsection. The provisions of this
249 subsection shall not apply to **current new motor vehicle franchise dealers**
250 **or motor vehicle leasing agencies or applicants for a new motor vehicle**
251 franchise [dealers] or a motor vehicle leasing agency. The provisions of this
252 subsection shall not apply to used motor vehicle dealers who were licensed prior
253 to August 28, 2006.

254 (2) The educational seminar shall include, but is not limited to, the dealer
255 requirements of sections 301.550 to 301.573, the rules promulgated to implement,
256 enforce, and administer sections 301.550 to 301.570, and any other rules and
257 regulations promulgated by the department.

301.640. 1. [Upon] **Within five business days after** the satisfaction
2 of any lien or encumbrance of a motor vehicle or trailer, the lienholder shall[,
3 within ten business days] release the lien or encumbrance on the certificate or a
4 separate document, and mail or deliver the certificate or a separate document to
5 the owner or any person who delivers to the lienholder an authorization from the
6 owner to receive the certificate or such documentation. The release on the
7 certificate or separate document shall be notarized. Each perfected subordinate
8 lienholder, if any, shall release such lien or encumbrance as provided in this
9 section for the first lienholder. The owner may cause the certificate to be mailed
10 or delivered to the director of revenue, who shall issue a new certificate of
11 ownership upon application and payment of the required fee. A lien or
12 encumbrance shall be satisfied for the purposes of this section when a lienholder
13 receives payment in full in the form of certified funds, as defined in section
14 381.410, RSMo, **or when the lienholder receives payment in full**

15 **electronically or by way of electronic funds transfer, whichever first**
16 **occurs.**

17 2. If the electronic certificate of ownership is in the possession of the
18 director of revenue, the lienholder shall notify the director within [ten] **five**
19 business days [of] **after** any release of a lien and provide the director with the
20 most current address of the owner **or any person who delivers to the**
21 **lienholder an authorization from the owner to receive the certificate**
22 **or such documentation.** The director shall note such release on the electronic
23 certificate and if no other lien exists the director shall mail or deliver the
24 certificate free of any lien to the owner **or any person who has delivered to**
25 **the lienholder an authorization from the owner to receive the**
26 **certificate or such documentation from the director.**

27 3. If the purchase price of a motor vehicle or trailer did not exceed six
28 thousand dollars at the time of purchase, a lien or encumbrance which was not
29 perfected by a motor vehicle financing corporation whose net worth exceeds one
30 hundred million dollars, or a depository institution, shall be considered satisfied
31 within six years from the date the lien or encumbrance was originally perfected
32 unless a new lien or encumbrance has been perfected as provided in section
33 301.600. This subsection does not apply to motor vehicles or trailers for which
34 the certificate of ownership has recorded in the second lienholder portion the
35 words "subject to future advances".

36 4. Any lienholder who fails to **timely** comply with subsection 1 or 2 of this
37 section shall pay to the person or persons satisfying the lien or encumbrance
38 [twenty-five dollars for the first ten business days after expiration of the time
39 period prescribed in subsection 1 or 2 of this section, and such payment shall
40 double for each ten days thereafter in which there is continued noncompliance,
41 up to a maximum of five hundred dollars for each lien] **liquidated damages up**
42 **to a maximum of two thousand five hundred dollars for each**
43 **lien. Liquidated damages shall be five hundred dollars if the lienholder**
44 **does not comply within five business days after satisfaction of the lien**
45 **or encumbrance. Liquidated damages shall be one thousand dollars if**
46 **the lienholder does not comply within ten business days after**
47 **satisfaction of the lien or encumbrance. Liquidated damages shall be**
48 **two thousand dollars if the lienholder does not comply within fifteen**
49 **business days after satisfaction of the lien or encumbrance. Liquidated**
50 **damages shall be two thousand five hundred dollars if the lienholder**

51 **does not comply within twenty business days after satisfaction of the**
52 **lien or encumbrance.** If delivery of the certificate or other lien release is made
53 by mail, the delivery date is the date of the postmark for purposes of this
54 subsection. **In computing any period of time prescribed or allowed by**
55 **this section, the day of the act or event after which the designated**
56 **period of time begins to run is not to be counted. However, the last day**
57 **of the period so computed is to be included, unless it is a Saturday,**
58 **Sunday, or a legal holiday, in which event the period runs until the end**
59 **of the next day that is not a Saturday, Sunday, or legal holiday.**

60 5. Any person who knowingly and intentionally sends in a separate
61 document releasing a lien of another without authority to do so shall be guilty of
62 a class C felony.

302.010. Except where otherwise provided, when used in this chapter, the
2 following words and phrases mean:

3 (1) "Circuit court", each circuit court in the state;

4 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used
5 for carrying freight and merchandise, or more than fifteen passengers;

6 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral
7 deposited to secure a defendant's appearance in court, which forfeiture has not
8 been vacated, shall be equivalent to a conviction, except that when any conviction
9 as a result of which points are assessed pursuant to section 302.302 is appealed,
10 the term "conviction" means the original judgment of conviction for the purpose
11 of determining the assessment of points, and the date of final judgment affirming
12 the conviction shall be the date determining the beginning of any license
13 suspension or revocation pursuant to section 302.304;

14 (4) "Director", the director of revenue acting directly or through the
15 director's authorized officers and agents;

16 (5) "Farm tractor", every motor vehicle designed and used primarily as a
17 farm implement for drawing plows, mowing machines and other implements of
18 husbandry;

19 (6) "Highway", any public thoroughfare for vehicles, including state roads,
20 county roads and public streets, avenues, boulevards, parkways, or alleys in any
21 municipality;

22 (7) "Incompetent to drive a motor vehicle", a person who has become
23 physically incapable of meeting the prescribed requirements of an examination
24 for an operator's license, or who has been adjudged by a probate division of the

25 circuit court in a capacity hearing of being incapacitated;

26 (8) "License", a license issued by a state to a person which authorizes a
27 person to operate a motor vehicle;

28 (9) "Motor vehicle", any self-propelled vehicle not operated exclusively
29 upon tracks except motorized bicycles, as defined in section 307.180, RSMo;

30 (10) "Motorcycle", a motor vehicle operated on two wheels; however, this
31 definition shall not include motorized bicycles as defined in section 301.010,
32 RSMo;

33 (11) "Motortricycle", a motor vehicle operated on three wheels, including
34 a motorcycle operated with any conveyance, temporary or otherwise, requiring the
35 use of a third wheel;

36 (12) "Moving violation", that character of traffic violation where at the
37 time of violation the motor vehicle involved is in motion, except that the term
38 does not include the driving of a motor vehicle without a valid motor vehicle
39 registration license, or violations of sections 304.170 to 304.240, RSMo, inclusive,
40 relating to sizes and weights of vehicles;

41 (13) "Municipal court", every division of the circuit court having original
42 jurisdiction to try persons for violations of city ordinances;

43 (14) "Nonresident", every person who is not a resident of this state;

44 (15) "Operator", every person who is in actual physical control of a motor
45 vehicle upon a highway;

46 (16) "Owner", a person who holds the legal title of a vehicle or in the event
47 a vehicle is the subject of an agreement for the conditional sale or lease thereof
48 with the right of purchase upon performance of the conditions stated in the
49 agreement and with an immediate right of possession vested in the conditional
50 vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession,
51 then such conditional vendee or lessee or mortgagor shall be deemed the owner
52 for the purpose of sections 302.010 to 302.540;

53 (17) "Record" includes, but is not limited to, papers, documents, facsimile
54 information, microphotographic process, electronically generated or electronically
55 recorded information, digitized images, deposited or filed with the department of
56 revenue;

57 (18) **"Residence address", residence, or resident address shall be**
58 **the location or residence within this state in which the applicant**
59 **physically currently resides. Proof of such address, residence, or**
60 **resident address may be required in the form of voter registration or**

61 **other such form established by the director by administrative rule;**

62 (19) "Restricted driving privilege", a driving privilege issued by the
63 director of revenue following a suspension of driving privileges for the limited
64 purpose of driving in connection with the driver's business, occupation,
65 employment, formal program of secondary, postsecondary or higher education, or
66 for an alcohol education or treatment program;

67 [(19)] (20) "School bus", when used in sections 302.010 to 302.540, means
68 any motor vehicle, either publicly or privately owned, used to transport students
69 to and from school, or to transport pupils properly chaperoned to and from any
70 place within the state for educational purposes. The term "school bus" shall not
71 include a bus operated by a public utility, municipal corporation or common
72 carrier authorized to conduct local or interstate transportation of passengers
73 when such bus is not traveling a specific school bus route but is:

74 (a) On a regularly scheduled route for the transportation of fare-paying
75 passengers; or

76 (b) Furnishing charter service for the transportation of persons enrolled
77 as students on field trips or other special trips or in connection with other special
78 events;

79 [(20)] (21) "School bus operator", an operator who operates a school bus
80 as defined in subdivision [(19)] (20) of this section in the transportation of any
81 schoolchildren and who receives compensation for such service. The term "school
82 bus operator" shall not include any person who transports schoolchildren as an
83 incident to employment with a school or school district, such as a teacher, coach,
84 administrator, secretary, school nurse, or janitor unless such person is under
85 contract with or employed by a school or school district as a school bus operator;

86 [(21)] (22) "Signature", any method determined by the director of revenue
87 for the signing, subscribing or verifying of a record, report, application, driver's
88 license, or other related document that shall have the same validity and
89 consequences as the actual signing by the person providing the record, report,
90 application, driver's license or related document;

91 [(22)] (23) "Substance abuse traffic offender program", a program
92 certified by the division of alcohol and drug abuse of the department of mental
93 health to provide education or rehabilitation services pursuant to a professional
94 assessment screening to identify the individual needs of the person who has been
95 referred to the program as the result of an alcohol- or drug-related traffic
96 offense. Successful completion of such a program includes participation in any

97 education or rehabilitation program required to meet the needs identified in the
98 assessment screening. The assignment recommendations based upon such
99 assessment shall be subject to judicial review as provided in subsection 13 of
100 section 302.304 and subsections 1 and 5 of section 302.540;

101 ~~[(23)]~~ (24) "Vehicle", any mechanical device on wheels, designed
102 primarily for use, or used on highways, except motorized bicycles, vehicles
103 propelled or drawn by horses or human power, or vehicles used exclusively on
104 fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by
105 handicapped persons.

302.272. 1. No person shall operate any school bus owned by or under
2 contract with a public school or the state board of education unless such driver
3 has qualified for a school bus endorsement under this section and complied with
4 the pertinent rules and regulations of the department of revenue and any final
5 rule issued by the secretary of the United States Department of Transportation
6 or has a valid school bus endorsement on a valid commercial driver's license
7 issued by another state. A school bus endorsement shall be issued to any
8 applicant who meets the following qualifications:

- 9 (1) The applicant has a valid state license issued under this chapter;
- 10 (2) The applicant is at least twenty-one years of age; and
- 11 (3) The applicant has successfully passed an examination for the
12 operation of a school bus as prescribed by the director of revenue. The
13 examination shall include any examinations prescribed by the secretary of the
14 United States Department of Transportation, and a driving test in the type of
15 vehicle to be operated. The test shall be completed in the appropriate class of
16 vehicle to be driven. For purposes of this section classes of school buses shall
17 comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
18 Law 99-570). For drivers who are at least seventy years of age, such examination
19 shall be completed annually.

20 2. The director of revenue, to the best of the director's knowledge, shall
21 not issue or renew a school bus endorsement to any applicant whose driving
22 record shows that such applicant's privilege to operate a motor vehicle has been
23 suspended, revoked or disqualified or whose driving record shows a history of
24 moving vehicle violations.

25 3. **The director of revenue shall not issue or renew a school bus**
26 **endorsement to any applicant whose driving record shows that the**
27 **applicant has been convicted of an intoxication-related traffic offense,**

28 **as that term is defined in section 577.023, RSMo, while operating a**
29 **school bus. A person found guilty or pleading guilty to an intoxication-**
30 **related traffic offense while operating a school bus shall have his or**
31 **her school bus endorsement permanently denied by the court,**
32 **beginning on the date of the court's order.**

33 4. The director may adopt any rules and regulations necessary to carry
34 out the provisions of this section. Any rule or portion of a rule, as that term is
35 defined in section 536.010, RSMo, that is created under the authority delegated
36 in this section shall become effective only if it complies with and is subject to all
37 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
38 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
39 powers vested with the general assembly pursuant to chapter 536, RSMo, to
40 review, to delay the effective date, or to disapprove and annul a rule are
41 subsequently held unconstitutional, then the grant of rulemaking authority and
42 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

43 [4.] 5. Notwithstanding the requirements of this section, an applicant
44 who resides in another state and possesses a valid driver's license from his or her
45 state of residence with a valid school bus endorsement for the type of vehicle
46 being operated shall not be required to obtain a Missouri driver's license with a
47 school bus endorsement.

302.275. 1. Any employer of a person licensed pursuant to section 302.272
2 to operate a school bus, as that term is defined in section 301.010, RSMo, shall
3 notify the director of the department of revenue within ten days of discovering
4 that the person has failed to pass any drug, alcohol or chemical test administered
5 pursuant to the requirements of any federal or state law, rule or regulation
6 regarding the operation of a school bus. The notification shall consist of the
7 person's name and any other relevant information required by the director. The
8 director shall determine the manner in which the notification is made. Any
9 employer, or any officer of an employer, who knowingly fails to comply with the
10 notification requirement of this section or who knowingly provides a false
11 notification shall be guilty of an infraction.

12 2. **Whenever a citation for an intoxicated-related traffic offense,**
13 **as defined by section 577.023, RSMo, is issued to any person licensed**
14 **under section 302.272 to operate a school bus, the person shall notify**
15 **the superintendent of the school district or employing contractor for**
16 **which he or she operates a school bus of the citation. Notice of such**

17 citation shall be given prior to the person resuming operation of a
18 school bus. Failure to notify the school district or the employing
19 contractor of the citation shall constitute a valid reason to discharge
20 such person from the school district's or employing contractor's
21 employ.

302.305. 1. If a person's driver's license has been suspended,
2 revoked, or disqualified for a period of not less than sixty days or if
3 such person's driver's license or privileges have been denied for alcohol
4 or manslaughter violations under the provisions of this chapter or
5 chapter 577, RSMo, then such person shall immediately surrender his
6 or her current license plates for any motor vehicle registered solely or
7 jointly in the name of such person to the director of the department of
8 revenue for destruction. The person shall be issued a set of restricted
9 license plates that are different in color from regular plates which shall
10 be displayed on the motor vehicle or motor vehicles registered solely
11 or jointly in the person's name for the period of the suspension,
12 revocation, denial, or disqualification. The applicant shall pay
13 replacement plate fees as provided in section 301.300, RSMo, for the
14 restricted license plates in addition to any other registration fees that
15 may apply. After reinstatement, standard plates shall be obtained
16 under the requirements and fees established in chapter 301, RSMo.

17 2. Until the driver's license of the motor vehicle owner is
18 reinstated, any new license plate issued to the motor vehicle owner
19 shall conform to the provisions of this section.

20 3. Law enforcement officers shall have probable cause to stop
21 any vehicle displaying restricted license plates issued under the
22 provisions of this section to determine whether the driver of such
23 vehicle has a valid driver's license or a limited driving privilege as
24 described in section 302.309.

25 4. A registered owner of a motor vehicle who has been issued
26 restricted license plates under the provisions of this section may not
27 sell the motor vehicle during the period the motor vehicle is required
28 to display such plates unless the registered owner applies to the
29 department of revenue for permission to transfer title to the motor
30 vehicle. If the director of the department of revenue is satisfied that
31 the proposed sale is in good faith and for a valid consideration, and
32 that the sale or transfer is not for the purpose of circumventing the

33 provisions of this section, the director may certify its consent to the
34 owner of the motor vehicle. Any vehicle acquired by the applicant
35 during the period of restriction shall display the restricted license
36 plates.

37 5. If, during the time the restricted license plates are required
38 to be displayed under this section, the title to a motor vehicle is
39 transferred by a foreclosure, a sale upon execution, or other similar
40 legal action, the department shall enter notice of the transfer of the
41 motor vehicle's title in the motor vehicle system and the restricted
42 license plates shall be returned to the department of revenue for
43 destruction.

44 6. No person operating a motor vehicle displaying restricted
45 license plates as described in this section shall knowingly replace,
46 disguise, or obscure the color of such plates.

47 7. Nothing contained in this section shall alter or be construed
48 to alter the obligations of a person with respect to the taxation of
49 motor vehicles or the time within which a person must pay personal
50 property taxes upon a motor vehicle.

51 8. The director of the department of revenue is authorized to
52 promulgate rules and regulations to implement the provisions of this
53 section. Any rule or portion of a rule, as that term is defined in section
54 536.010, RSMo, that is created under the authority delegated in this
55 section shall become effective only if it complies with and is subject to
56 all of the provisions of chapter 536, RSMo, and, if applicable, section
57 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
58 and if any of the powers vested with the general assembly pursuant to
59 chapter 536, RSMo, to review, to delay the effective date, or to
60 disapprove and annul a rule are subsequently held unconstitutional,
61 then the grant of rulemaking authority and any rule proposed or
62 adopted after August 28, 2007, shall be invalid and void.

63 9. The provisions of this section shall become effective January
64 1, 2008.

302.321. 1. A person commits the crime of driving while revoked if such
2 person operates a motor vehicle on a highway when such person's license or
3 driving privilege has been canceled, suspended, or revoked under the laws of this
4 state or any other state and acts with criminal negligence with respect to
5 knowledge of the fact that such person's driving privilege has been canceled,

6 suspended, or revoked.

7 2. Any person convicted of driving while revoked is guilty of a class A
8 misdemeanor. **If the person convicted of driving while revoked was**
9 **operating a school bus at the time of the offense, the person shall be**
10 **fined not less than one thousand dollars if the offense is otherwise a**
11 **class A misdemeanor.** Any person with no prior alcohol-related enforcement
12 contacts as defined in section 302.525, convicted a fourth or subsequent time of
13 driving while revoked or a county or municipal ordinance of driving while
14 suspended or revoked where the defendant was represented by or waived the
15 right to an attorney in writing, and where the prior three driving-while-revoked
16 offenses occurred within ten years of the date of occurrence of the present offense;
17 and any person with a prior alcohol-related enforcement contact as defined in
18 section 302.525, convicted a third or subsequent time of driving while revoked or
19 a county or municipal ordinance of driving while suspended or revoked where the
20 defendant was represented by or waived the right to an attorney in writing, and
21 where the prior two driving-while-revoked offenses occurred within ten years of
22 the date of occurrence of the present offense and where the person received and
23 served a sentence of ten days or more on such previous offenses is guilty of a class
24 D felony. No court shall suspend the imposition of sentence as to such a person
25 nor sentence such person to pay a fine in lieu of a term of imprisonment, nor
26 shall such person be eligible for parole or probation until such person has served
27 a minimum of forty-eight consecutive hours of imprisonment, unless as a
28 condition of such parole or probation, such person performs at least ten days
29 involving at least forty hours of community service under the supervision of the
30 court in those jurisdictions which have a recognized program for community
31 service. Driving while revoked is a class D felony on the second or subsequent
32 conviction pursuant to section 577.010, RSMo, or a fourth or subsequent
33 conviction for any other offense.

302.545. 1. Any person who is less than twenty-one years of age and
2 whose driving privilege has been suspended or revoked, for a first determination
3 under sections 302.500 to 302.540, that such person was driving with
4 two-hundredths of one percent of blood alcohol content, shall have all official
5 records and all recordations maintained by the department of revenue of such
6 suspension or revocation expunged two years after the date of such suspension
7 or revocation, or when such person attains the age of twenty-one, whichever date
8 first occurs. Such expungement shall be performed by the department of revenue

9 without need of a court order. No records shall be expunged **until three years**
10 **after the date of suspension or revocation, if the person was holding a**
11 **commercial driver's license at the time of the offense, or** if the person was
12 found guilty or pled guilty to operating a commercial motor vehicle, as defined in
13 section 302.700, with a blood alcohol content of at least four-hundredths of one
14 percent.

15 2. The provisions of this section shall not apply to any person whose
16 license is suspended or revoked for a second or subsequent time pursuant to
17 subsection 1 of this section or who is convicted of any alcohol-related driving
18 offense before the age of twenty-one including, but not limited to:

19 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or

20 (2) Driving with excessive blood alcohol content pursuant to section
21 577.012, RSMo.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and
4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one
8 hundred milliliters of blood or the number of grams of alcohol per two hundred
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters
10 of urine;

11 (3) "Commercial driver's instruction permit", a permit issued pursuant to
12 section 302.720;

13 (4) "Commercial driver's license", a license issued by this state to an
14 individual which authorizes the individual to operate a commercial motor vehicle;

15 (5) "Commercial driver's license information system", the information
16 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986
17 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information
18 related to the licensing and identification of commercial motor vehicle drivers;

19 (6) "Commercial motor vehicle", a motor vehicle designed or used to
20 transport passengers or property:

21 (a) If the vehicle has a gross combination weight rating of twenty-six
22 thousand one or more pounds inclusive of a towed unit which has a gross vehicle
23 weight rating of ten thousand one pounds or more;

24 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand
25 one or more pounds or such lesser rating as determined by federal regulation;

26 (c) If the vehicle is designed to transport sixteen or more passengers,
27 including the driver; or

28 (d) If the vehicle is transporting hazardous materials and is required to
29 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801
30 et seq.);

31 (7) "Controlled substance", any substance so classified under Section
32 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all
33 substances listed in schedules I through V of 21 CFR part 1308, as they may be
34 revised from time to time;

35 (8) "Conviction", an unvacated adjudication of guilt, including pleas of
36 guilt and nolo contendere, or a determination that a person has violated or failed
37 to comply with the law in a court of original jurisdiction or an authorized
38 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
39 to secure the person's appearance in court, the payment of a fine or court cost, or
40 violation of a condition of release without bail, regardless of whether the penalty
41 is rebated, suspended or prorated, **including an offense for failure to appear**
42 **or pay;**

43 (9) "Director", the director of revenue or his authorized representative;

44 (10) "Disqualification", any of the following three actions:

45 (a) The suspension, revocation, or cancellation of a commercial driver's
46 license;

47 (b) Any withdrawal of a person's privileges to drive a commercial motor
48 vehicle by a state as the result of a violation of federal, state, county, municipal,
49 or local law relating to motor vehicle traffic control or violations committed
50 through the operation of motor vehicles, other than parking, vehicle weight, or
51 vehicle defect violations;

52 (c) A determination by the Federal Motor Carrier Safety Administration
53 that a person is not qualified to operate a commercial motor vehicle under
54 CFR Part 383.52 or Part 391;

55 (11) "Drive", to drive, operate or be in physical control of a commercial
56 motor vehicle;

57 (12) "Driver", any person who drives, operates, or is in physical control of
58 a motor vehicle, or who is required to hold a commercial driver's license;

59 (13) "Driving under the influence of alcohol", the commission of any one

60 or more of the following acts:

61 (a) Driving a commercial motor vehicle with the alcohol concentration of
62 four one-hundredths of a percent or more as prescribed by the secretary or such
63 other alcohol concentration as may be later determined by the secretary by
64 regulation;

65 (b) Driving a commercial or noncommercial motor vehicle while
66 intoxicated in violation of any federal or state law, or in violation of a county or
67 municipal ordinance;

68 (c) Driving a commercial or noncommercial motor vehicle with excessive
69 blood alcohol content in violation of any federal or state law, or in violation of a
70 county or municipal ordinance;

71 (d) Refusing to submit to a chemical test in violation of section 577.041,
72 RSMo, section 302.750, any federal or state law, or a county or municipal
73 ordinance; or

74 (e) Having any state, county or municipal alcohol-related enforcement
75 contact, as defined in subsection 3 of section 302.525; provided that any
76 suspension or revocation pursuant to section 302.505, committed in a
77 noncommercial motor vehicle by an individual twenty-one years of age or older
78 shall have been committed by the person with an alcohol concentration of at least
79 eight-hundredths of one percent or more, or in the case of an individual who is
80 less than twenty-one years of age, shall have been committed by the person with
81 an alcohol concentration of at least two-hundredths of one percent or more, and
82 if committed in a commercial motor vehicle, a concentration of four-hundredths
83 of one percent or more;

84 (14) "Driving under the influence of a controlled substance", the
85 commission of any one or more of the following acts in a commercial or
86 noncommercial motor vehicle:

87 (a) Driving a commercial or noncommercial motor vehicle while under the
88 influence of any substance so classified under Section 102(6) of the Controlled
89 Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I
90 through V of 21 CFR Part 1308, as they may be revised from time to time;

91 (b) Driving a commercial or noncommercial motor vehicle while in a
92 drugged condition in violation of any federal or state law or in violation of a
93 county or municipal ordinance; or

94 (c) Refusing to submit to a chemical test in violation of section 577.041,
95 RSMo, section 302.750, any federal or state law, or a county or municipal

96 ordinance;

97 (15) "Employer", any person, including the United States, a state, or a
98 political subdivision of a state, who owns or leases a commercial motor vehicle or
99 assigns a driver to operate such a vehicle;

100 (16) "Farm vehicle", a commercial motor vehicle controlled and operated
101 by a farmer used exclusively for the transportation of agricultural products, farm
102 machinery, farm supplies, or a combination of these, within one hundred fifty
103 miles of the farm, other than one which requires placarding for hazardous
104 materials as defined in this section, or used in the operation of a common or
105 contract motor carrier, except that a farm vehicle shall not be a commercial motor
106 vehicle when the total combined gross weight rating does not exceed twenty-six
107 thousand one pounds when transporting fertilizers as defined in subdivision (21)
108 of this subsection;

109 (17) "Fatality", the death of a person as a result of a motor vehicle
110 accident;

111 (18) "Felony", any offense under state or federal law that is punishable by
112 death or imprisonment for a term exceeding one year;

113 (19) "Gross combination weight rating" or "GCWR", the value specified by
114 the manufacturer as the loaded weight of a combination (articulated) vehicle. In
115 the absence of a value specified by the manufacturer, GCWR will be determined
116 by adding the GVWR of the power unit and the total weight of the towed unit and
117 any load thereon;

118 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the
119 manufacturer as the loaded weight of a single vehicle;

120 (21) "Hazardous materials", hazardous materials as specified in Section
121 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et
122 seq.). Fertilizers, including but not limited to ammonium nitrate, phosphate,
123 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not
124 be considered hazardous materials when transported by a farm vehicle provided
125 all other provisions of this definition are followed;

126 (22) "Imminent hazard", the existence of a condition that presents a
127 substantial likelihood that death, serious illness, severe personal injury, or a
128 substantial endangerment to health, property, or the environment may occur
129 before the reasonably foreseeable completion date of a formal proceeding begins
130 to lessen the risk of that death, illness, injury, or endangerment;

131 (23) "Issuance", the initial licensure, license transfers, license renewals,

132 and license upgrades;

133 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively
134 upon tracks;

135 (25) "Noncommercial motor vehicle", a motor vehicle or combination of
136 motor vehicles not defined by the term "commercial motor vehicle" in this section;

137 (26) "Out of service", a temporary prohibition against the operation of a
138 commercial motor vehicle by a particular driver, or the operation of a particular
139 commercial motor vehicle, or the operation of a particular motor carrier;

140 (27) "Out-of-service order", a declaration by the Federal Highway
141 Administration, or any authorized enforcement officer of a federal, state,
142 Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that
143 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of
144 service;

145 (28) "School bus", a commercial motor vehicle used to transport
146 preprimary, primary, or secondary school students from home to school, from
147 school to home, or to and from school-sponsored events. School bus does not
148 include a bus used as a common carrier as defined by the Secretary;

149 (29) "Secretary", the Secretary of Transportation of the United States;

150 (30) "Serious traffic violation", driving a commercial motor vehicle in such
151 a manner that the driver receives a conviction for the following offenses or driving
152 a noncommercial motor vehicle when the driver receives a conviction for the
153 following offenses and the conviction results in the suspension or revocation of
154 the driver's license or noncommercial motor vehicle driving privilege:

155 (a) Excessive speeding, as defined by the Secretary by regulation;

156 (b) Careless, reckless or imprudent driving which includes, but shall not
157 be limited to, any violation of section 304.016, RSMo, any violation of section
158 304.010, RSMo, or any other violation of federal or state law, or any county or
159 municipal ordinance while driving a commercial motor vehicle in a willful or
160 wanton disregard for the safety of persons or property, or improper or erratic
161 traffic lane changes, or following the vehicle ahead too closely, but shall not
162 include careless and imprudent driving by excessive speed;

163 (c) A violation of any federal or state law or county or municipal ordinance
164 regulating the operation of motor vehicles arising out of an accident or collision
165 which resulted in death to any person, other than a parking violation;

166 (d) Driving a commercial motor vehicle without obtaining a commercial
167 driver's license in violation of any federal or state or county or municipal

168 ordinance;

169 (e) Driving a commercial motor vehicle without a commercial driver's
170 license in the driver's possession in violation of any federal or state or county or
171 municipal ordinance. Any individual who provides proof to the court which has
172 jurisdiction over the issued citation that the individual held a valid commercial
173 driver's license on the date that the citation was issued shall not be guilty of this
174 offense;

175 (f) Driving a commercial motor vehicle without the proper commercial
176 driver's license class or endorsement for the specific vehicle group being operated
177 or for the passengers or type of cargo being transported in violation of any federal
178 or state law or county or municipal ordinance; or

179 (g) Any other violation of a federal or state law or county or municipal
180 ordinance regulating the operation of motor vehicles, other than a parking
181 violation, as prescribed by the secretary by regulation;

182 (31) "State", a state, territory or possession of the United States, the
183 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province
184 of Canada;

185 (32) "United States", the fifty states and the District of Columbia.

302.720. 1. Except when operating under an instruction permit as
2 described in this section, no person may drive a commercial motor vehicle unless
3 the person has been issued a commercial driver's license with applicable
4 endorsements valid for the type of vehicle being operated as specified in sections
5 302.700 to 302.780. A commercial driver's instruction permit shall allow the
6 holder of a valid license to operate a commercial motor vehicle when accompanied
7 by the holder of a commercial driver's license valid for the vehicle being operated
8 and who occupies a seat beside the individual, or reasonably near the individual
9 in the case of buses, for the purpose of giving instruction in driving the
10 commercial motor vehicle. A commercial driver's instruction permit shall be valid
11 for the vehicle being operated for a period of not more than six months, and shall
12 not be issued until the permit holder has met all other requirements of sections
13 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise
14 disqualified, may be granted one six-month renewal within a one-year
15 period. The fee for such permit or renewal shall be five dollars. In the
16 alternative, a commercial driver's instruction permit shall be issued for a
17 thirty-day period to allow the holder of a valid driver's license to operate a
18 commercial motor vehicle if the applicant has completed all other requirements

19 except the driving test. The permit may be renewed for one additional thirty-day
20 period and the fee for the permit and for renewal shall be five dollars.

21 2. No person may be issued a commercial driver's license until he has
22 passed written and driving tests for the operation of a commercial motor vehicle
23 which complies with the minimum federal standards established by the Secretary
24 and has satisfied all other requirements of the Commercial Motor Vehicle Safety
25 Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements
26 imposed by state law. Applicants for a hazardous materials endorsement must
27 also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law
28 107-56) as specified and required by regulations promulgated by the
29 Secretary. Nothing contained in this subsection shall be construed as prohibiting
30 the director from establishing alternate testing formats for those who are
31 functionally illiterate; provided, however, that any such alternate test must
32 comply with the minimum requirements of the Commercial Motor Vehicle Safety
33 Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary. **The**
34 **director shall neither supply nor permit the use of language**
35 **interpreters in connection with the written and driving test required**
36 **under this section.**

37 (1) The written and driving tests shall be held at such times and in such
38 places as the superintendent may designate. A twenty-five dollar examination
39 fee shall be paid by the applicant upon completion of any written or driving
40 test. The director shall delegate the power to conduct the examinations required
41 under sections 302.700 to 302.780 to any member of the highway patrol or any
42 person employed by the highway patrol qualified to give driving examinations.

43 (2) The director shall adopt and promulgate rules and regulations
44 governing the certification of third-party testers by the department of
45 revenue. Such rules and regulations shall substantially comply with the
46 requirements of 49 CFR Part 383, Section 383.75. A certification to conduct
47 third-party testing shall be valid for one year, and the department shall charge
48 a fee of one hundred dollars to issue or renew the certification of any third-party
49 tester.

50 (3) Beginning August 28, 2006, the director shall only issue or renew
51 third-party tester certification to junior colleges or community colleges
52 established under chapter 178, RSMo, or to private companies who own, lease, or
53 maintain their own fleet and administer in-house testing to their employees, or
54 to school districts and their agents that administer in-house testing to the school

55 district's or agent's employees. Any third-party tester who violates any of the
56 rules and regulations adopted and promulgated pursuant to this section shall be
57 subject to having his certification revoked by the department. The department
58 shall provide written notice and an opportunity for the third-party tester to be
59 heard in substantially the same manner as provided in chapter 536, RSMo. If
60 any applicant submits evidence that he has successfully completed a test
61 administered by a third-party tester, the actual driving test for a commercial
62 driver's license may then be waived.

63 (4) Every applicant for renewal of a commercial driver's license shall
64 provide such certifications and information as required by the secretary and if
65 such person transports a hazardous material must also meet the requirements of
66 the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and
67 required by regulations promulgated by the secretary. Such person shall be
68 required to take the written test for such endorsement. A twenty-five dollar
69 examination fee shall be paid upon completion of such tests.

70 3. A commercial driver's license may not be issued to a person while the
71 person is disqualified from driving a commercial motor vehicle, when a
72 disqualification is pending in any state or while the person's driver's license is
73 suspended, revoked, or canceled in any state; nor may a commercial driver's
74 license be issued unless the person first surrenders in a manner prescribed by the
75 director any commercial driver's license issued by another state, which license
76 shall be returned to the issuing state for cancellation.

77 4. Beginning July 1, 2005, the director shall not issue an instruction
78 permit under this section unless the director verifies that the applicant is
79 lawfully present in the United States before accepting the application. The
80 director may, by rule or regulation, establish procedures to verify the lawful
81 presence of the applicant under this section. No rule or portion of a rule
82 promulgated pursuant to the authority of this section shall become effective
83 unless it has been promulgated pursuant to chapter 536, RSMo.

302.755. 1. A person is disqualified from driving a commercial motor
2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled
4 substance;

5 (2) Driving a commercial motor vehicle which causes a fatality through
6 the negligent operation of the commercial motor vehicle, including but not limited
7 to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent

8 homicide;

9 (3) Driving a commercial motor vehicle while revoked pursuant to section
10 302.727;

11 (4) Leaving the scene of an accident involving a commercial or
12 noncommercial motor vehicle operated by the person;

13 (5) Using a commercial or noncommercial motor vehicle in the commission
14 of any felony, as defined in section 302.700, except a felony as provided in
15 subsection 4 of this section.

16 2. If any of the violations described in subsection 1 of this section occur
17 while transporting a hazardous material the person is disqualified for a period
18 of not less than three years.

19 3. Any person is disqualified from operating a commercial motor vehicle
20 for life if convicted of two or more violations of any of the offenses specified in
21 subsection 1 of this section, or any combination of those offenses, arising from two
22 or more separate incidents. The director may issue rules and regulations, in
23 accordance with guidelines established by the secretary, under which a
24 disqualification for life under this section may be reduced to a period of not less
25 than ten years.

26 4. Any person is disqualified from driving a commercial motor vehicle for
27 life who uses a commercial or noncommercial motor vehicle in the commission of
28 any felony involving the manufacture, distribution, or dispensing of a controlled
29 substance, or possession with intent to manufacture, distribute, or dispense a
30 controlled substance.

31 5. Any person is disqualified from operating a commercial motor vehicle
32 for a period of not less than sixty days if convicted of two serious traffic violations
33 or one hundred twenty days if convicted of three serious traffic violations, arising
34 from separate incidents occurring within a three-year period.

35 6. Any person found to be operating a commercial motor vehicle while
36 having any measurable alcohol concentration shall immediately be issued a
37 continuous twenty-four-hour out-of-service order by a law enforcement officer in
38 this state.

39 7. Any person who is convicted of operating a commercial motor vehicle
40 beginning at the time of issuance of the out-of-service order until its expiration
41 is guilty of a class A misdemeanor.

42 8. Any person convicted for the first time of driving while out of service
43 shall be disqualified from driving a commercial motor vehicle [for a period of

44 ninety days] **in the manner prescribed in 49 CFR Part 383, or as amended**
45 **by the Secretary of Transportation.**

46 9. Any person convicted of driving while out of service on a second
47 occasion during any ten-year period, involving separate incidents, shall be
48 disqualified [for a period of one year] **in the manner prescribed in 49 CFR**
49 **Part 383, or as amended by the Secretary of Transportation.**

50 10. Any person convicted of driving while out of service on a third or
51 subsequent occasion during any ten-year period, involving separate incidents,
52 shall be disqualified for a period of three years.

53 11. Any person convicted of a first violation of an out-of-service order
54 while transporting hazardous materials or while operating a motor vehicle
55 designed to transport sixteen or more passengers, including the driver, is
56 disqualified for a period of one hundred eighty days.

57 12. Any person convicted of any subsequent violation of an out-of-service
58 order in a separate incident within ten years after a previous violation, while
59 transporting hazardous materials or while operating a motor vehicle designed to
60 transport fifteen passengers, including the driver, is disqualified for a period of
61 three years.

62 13. Any person convicted of any other offense as specified by regulations
63 promulgated by the Secretary of Transportation shall be disqualified in
64 accordance with such regulations.

65 14. After suspending, revoking, canceling or disqualifying a driver, the
66 director shall update records to reflect such action and notify a nonresident's
67 licensing authority and the commercial driver's license information system within
68 ten days in the manner prescribed in 49 CFR Part 384, or as amended by the
69 Secretary.

70 15. Any person disqualified from operating a commercial motor vehicle
71 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial
72 driver's license canceled, and upon conclusion of the period of disqualification
73 shall take the written and driving tests and meet all other requirements of
74 sections 302.700 to 302.780. Such disqualification and cancellation shall not be
75 withdrawn by the director until such person reapplies for a commercial driver's
76 license in this or any other state after meeting all requirements of sections
77 302.700 to 302.780.

78 16. The director shall disqualify a driver upon receipt of notification that
79 the Secretary has determined a driver to be an imminent hazard pursuant to 49

80 CFR, Part 383.52. Due process of a disqualification determined by the Secretary
81 pursuant to this section shall be held in accordance with regulations promulgated
82 by the Secretary. The period of disqualification determined by the Secretary
83 pursuant to this section shall be served concurrently to any other period of
84 disqualification which may be imposed by the director pursuant to this
85 section. Both disqualifications shall appear on the driving record of the driver.

86 **17. The director shall disqualify a commercial license holder or**
87 **operator of a commercial vehicle from operation of any commercial**
88 **motor vehicle upon receipt of a conviction for an offense of failure to**
89 **appear or pay, and such disqualification shall remain in effect until the**
90 **director receives notice that the person has complied with the**
91 **requirement to appear or pay.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

- 2 (1) Any person driving a farm vehicle as defined in section 302.700;
- 3 (2) Any active duty military personnel, members of the reserves and
4 national guard on active duty, including personnel on full-time national guard
5 duty, personnel on part-time training and national guard military technicians,
6 while driving [military] vehicles for military purposes;
- 7 (3) Any person who drives emergency or fire equipment necessary to the
8 preservation of life or property or the execution of emergency governmental
9 functions under emergency conditions;
- 10 (4) Any person qualified to operate the equipment under subdivision (3)
11 of this section when operating such equipment in other functions such as parades,
12 special events, repair, service or other authorized movements;
- 13 (5) Any person driving or pulling a recreational vehicle, as defined in
14 sections 301.010 and 700.010, RSMo, for personal use; and
- 15 (6) Any other class of persons exempted by rule or regulation of the
16 director, which rule or regulation is in compliance with the Commercial Motor
17 Vehicle Safety Act of 1986 and any amendments or regulations drafted to that
18 act.

304.022. 1. Upon the immediate approach of an emergency vehicle giving
2 audible signal by siren or while having at least one lighted lamp exhibiting red
3 light visible under normal atmospheric conditions from a distance of five hundred
4 feet to the front of such vehicle or a flashing blue light authorized by section
5 307.175, RSMo, the driver of every other vehicle shall yield the right-of-way and
6 shall immediately drive to a position parallel to, and as far as possible to the

7 right of, the traveled portion of the highway and thereupon stop and remain in
8 such position until such emergency vehicle has passed, except when otherwise
9 directed by a police or traffic officer.

10 2. Upon approaching a stationary emergency vehicle displaying lighted
11 red or red and blue lights, the driver of every motor vehicle shall:

12 (1) Proceed with caution and yield the right-of-way, if possible with due
13 regard to safety and traffic conditions, by making a lane change into a lane not
14 adjacent to that of the stationary vehicle, if on a roadway having at least four
15 lanes with not less than two lanes proceeding in the same direction as the
16 approaching vehicle; or

17 (2) Proceed with due caution and reduce the speed of the vehicle,
18 maintaining a safe speed for road conditions, if changing lanes would be unsafe
19 or impossible.

20 3. The motorman of every streetcar shall immediately stop such car clear
21 of any intersection and keep it in such position until the emergency vehicle has
22 passed, except as otherwise directed by a police or traffic officer.

23 4. An "emergency vehicle" is a vehicle of any of the following types:

24 (1) A vehicle operated by the state highway patrol, the state water patrol,
25 the Missouri capitol police, a **conservation agent**, or a state park ranger, those
26 vehicles operated by enforcement personnel of the state highways and
27 transportation commission, police or fire department, sheriff, constable or deputy
28 sheriff, federal law enforcement officer authorized to carry firearms and to make
29 arrests for violations of the laws of the United States, traffic officer or coroner or
30 by a privately owned emergency vehicle company;

31 (2) A vehicle operated as an ambulance or operated commercially for the
32 purpose of transporting emergency medical supplies or organs;

33 (3) Any vehicle qualifying as an emergency vehicle pursuant to section
34 307.175, RSMo;

35 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public
36 utility or public service corporation while performing emergency service;

37 (5) Any vehicle transporting equipment designed to extricate human
38 beings from the wreckage of a motor vehicle;

39 (6) Any vehicle designated to perform emergency functions for a civil
40 defense or emergency management agency established pursuant to the provisions
41 of chapter 44, RSMo;

42 (7) Any vehicle operated by an authorized employee of the department of

43 corrections who, as part of the employee's official duties, is responding to a riot,
44 disturbance, hostage incident, escape or other critical situation where there is the
45 threat of serious physical injury or death, responding to mutual aid call from
46 another criminal justice agency, or in accompanying an ambulance which is
47 transporting an offender to a medical facility;

48 (8) Any vehicle designated to perform hazardous substance emergency
49 functions established pursuant to the provisions of sections 260.500 to 260.550,
50 RSMo.

51 5. (1) The driver of any vehicle referred to in subsection 4 of this section
52 shall not sound the siren thereon or have the front red lights or blue lights on
53 except when such vehicle is responding to an emergency call or when in pursuit
54 of an actual or suspected law violator, or when responding to, but not upon
55 returning from, a fire.

56 (2) The driver of an emergency vehicle may:

57 (a) Park or stand irrespective of the provisions of sections 304.014 to
58 304.025;

59 (b) Proceed past a red or stop signal or stop sign, but only after slowing
60 down as may be necessary for safe operation;

61 (c) Exceed the prima facie speed limit so long as the driver does not
62 endanger life or property;

63 (d) Disregard regulations governing direction of movement or turning in
64 specified directions.

65 (3) The exemptions granted to an emergency vehicle pursuant to
66 subdivision (2) of this subsection shall apply only when the driver of any such
67 vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle
68 as may be reasonably necessary, and when the vehicle is equipped with at least
69 one lighted lamp displaying a red light or blue light visible under normal
70 atmospheric conditions from a distance of five hundred feet to the front of such
71 vehicle.

72 6. No person shall purchase an emergency light as described in this
73 section without furnishing the seller of such light an affidavit stating that the
74 light will be used exclusively for emergency vehicle purposes.

75 7. Violation of this section shall be deemed a class A misdemeanor.

304.032. 1. For purposes of this section, "Utility vehicle" means
2 **any motorized vehicle manufactured and used exclusively for off-**
3 **highway use which is sixty-three inches or less in width, with an**

4 unladen dry weight of one thousand nine hundred pounds or less,
5 traveling on four or six wheels, excluding all-terrain vehicles, to be
6 used primarily for agricultural, landscaping, lawn care, or maintenance
7 purposes.

8 2. No person shall operate a utility vehicle, as defined in this
9 section upon the highways of this state, except as follows:

10 (1) Utility vehicles owned and operated by a governmental entity
11 for official use;

12 (2) Utility vehicles operated for agricultural purposes or
13 industrial on-premises purposes between the official sunrise and sunset
14 on the day of operation;

15 (3) Utility vehicles operated by handicapped persons for short
16 distances occasionally only on the state's secondary roads when
17 operated between the hours of sunrise and sunset;

18 (4) Governing bodies of cities may issue special permits for
19 utility vehicles to be used on highways within the city limits by
20 licensed drivers. Fees of fifteen dollars may be collected and retained
21 by cities for such permits;

22 (5) Governing bodies of counties may issue special permits for
23 utility vehicles to be used on county roads within the county by
24 licensed drivers. Fees of fifteen dollars may be collected and retained
25 by the counties for such permits.

26 3. No person shall operate a utility vehicle within any stream or
27 river in this state, except that utility vehicles may be operated within
28 waterways which flow within the boundaries of land which a utility
29 vehicle operator owns, or for agricultural purposes within the
30 boundaries of land which a utility vehicle operator owns or has
31 permission to be upon, or for the purpose of fording such stream or
32 river of this state at such road crossings as are customary or part of the
33 highway system. All law enforcement officials or peace officers of this
34 state and its political subdivisions or department of conservation
35 agents or department of natural resources park rangers shall enforce
36 the provisions of this subsection within the geographic area of their
37 jurisdiction.

38 4. A person operating a utility vehicle on a public road pursuant
39 to an exception covered in this section, or otherwise, shall exercise the
40 highest degree of care as required by this chapter and shall have a

41 **valid operator's or chauffeur's license, except that a handicapped**
42 **person operating such vehicle pursuant to subdivision (3) of subsection**
43 **2 of this section, but shall not be required to have passed an**
44 **examination for the operation of a motorcycle, and the vehicle shall be**
45 **operated at speeds of less than thirty miles per hour.**

46 **5. No persons shall operate a utility vehicle:**

47 **(1) In any careless way so as to endanger the person or property**
48 **of another;**

49 **(2) While under the influence of alcohol or any controlled**
50 **substance.**

51 **6. No operator of a utility vehicle shall carry a passenger, except**
52 **for agricultural purposes. The provisions of this subsection shall not**
53 **apply to any utility vehicle in which the seat of such vehicle is**
54 **designed to carry more than one person.**

55 **7. Utility vehicles shall be exempt from the titling and**
56 **registration provisions of chapter 301, RSMo.**

57 **8. A violation of this section shall be a class C misdemeanor.**

304.070. 1. Any person who violates any of the provisions of subsections
2 1, 3, and 6 of section 304.050 is guilty of a class A misdemeanor. In addition,
3 beginning July 1, 2005, the court may suspend the driver's license of any person
4 who violates the provision of subsection 1 of section 304.050. If ordered by the
5 court, the director shall suspend the driver's license for [ninety] **one hundred**
6 **twenty** days for a first offense of subsection 1 of section 304.050, and one
7 hundred [twenty] **eighty** days for a second or subsequent offense of subsection
8 1 of section 304.050. Any person who violates subsection 1 of section 304.050
9 where such violation results in the injury of any child shall be guilty of a class
10 D felony. Any person who violates subsection 1 of section 304.050 where such
11 violation causes the death of any child shall be guilty of a class C felony.

12 **2. Any appeal of a suspension imposed under subsection 1 of this section**
13 **shall be a direct appeal of the court order and subject to review by the presiding**
14 **judge of the circuit court or another judge within the circuit other than the judge**
15 **who issued the original order to suspend the driver's license. The director of**
16 **revenue's entry of the court-ordered suspension on the driving record is not a**
17 **decision subject to review pursuant to section 302.311, RSMo. Any suspension**
18 **of the driver's license ordered by the court under this section shall be in addition**
19 **to any other suspension that may occur as a result of the conviction pursuant to**

20 other provisions of law.

304.170. 1. No vehicle operated upon the highways of this state shall
2 have a width, including load, in excess of ninety-six inches, except clearance
3 lights, rearview mirrors or other accessories required by federal, state or city law
4 or regulation; except that, vehicles having a width, including load, not in excess
5 of one hundred two inches, exclusive of clearance lights, rearview mirrors or other
6 accessories required by law or regulations, may be operated on the interstate
7 highways and such other highways as may be designated by the highways and
8 transportation commission for the operation of such vehicles plus a distance not
9 to exceed ten miles from such interstate or designated highway. Provided
10 however, a recreational vehicle as defined in section 700.010, RSMo, may exceed
11 the foregoing width limits if the appurtenances on such recreational vehicle
12 extend no further than the rearview mirrors. Such mirrors may only extend the
13 distance necessary to provide the required field of view before the appurtenances
14 were attached.

15 2. No vehicle operated upon the interstate highway system or upon any
16 route designated by the chief engineer of the state transportation department
17 shall have a height, including load, in excess of fourteen feet. On all other
18 highways, no vehicle shall have a height, including load, in excess of thirteen and
19 one-half feet, except that any vehicle or combination of vehicles transporting
20 automobiles or other motor vehicles may have a height, including load, of not
21 more than fourteen feet.

22 3. No single motor vehicle operated upon the highways of this state shall
23 have a length, including load, in excess of forty-five feet, except as otherwise
24 provided in this section.

25 4. No bus, recreational motor vehicle or trackless trolley coach operated
26 upon the highways of this state shall have a length in excess of forty-five feet,
27 except that such vehicles may exceed the forty-five feet length when such excess
28 length is caused by the projection of a front safety bumper or a rear safety
29 bumper or both. Such safety bumper shall not cause the length of the bus or
30 recreational motor vehicle to exceed the forty-five feet length limit by more than
31 one foot in the front and one foot in the rear. The term "safety bumper" means
32 any device which may be fitted on an existing bumper or which replaces the
33 bumper and is so constructed, treated, or manufactured that it absorbs energy
34 upon impact.

35 5. No combination of truck-tractor and semitrailer or truck-tractor

36 equipped with dromedary and semitrailer operated upon the highways of this
37 state shall have a length, including load, in excess of sixty feet; except that in
38 order to comply with the provisions of Title 23 of the United States Code (Public
39 Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor
40 equipped with dromedary and semitrailer operated upon the interstate highway
41 system of this state shall have an overall length, including load, in excess of the
42 length of the truck-tractor plus the semitrailer or truck-tractor equipped with
43 dromedary and semitrailer. The length of such semitrailer shall not exceed
44 fifty-three feet.

45 6. In order to comply with the provisions of Title 23 of the United States
46 Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer
47 operated upon the interstate highway system of this state shall have an overall
48 length, including load, in excess of the length of the truck-tractor plus the
49 semitrailer and trailer, neither of which semitrailer or trailer shall exceed
50 twenty-eight feet in length, except that any existing semitrailer or trailer up to
51 twenty-eight and one-half feet in length actually and lawfully operated on
52 December 1, 1982, within a sixty-five foot overall length limit in any state, may
53 continue to be operated upon the interstate highways of this state. On those
54 primary highways not designated by the state highways and transportation
55 commission as provided in subsection 10 of this section, no combination of
56 truck-tractor, semitrailer and trailer shall have an overall length, including load,
57 in excess of sixty-five feet; provided, however, the state highways and
58 transportation commission may designate additional routes for such sixty-five foot
59 combinations.

60 7. Automobile transporters, boat transporters, truck-trailer boat
61 transporter combinations, stinger-steered combination automobile transporters
62 and stinger-steered combination boat transporters having a length not in excess
63 of seventy-five feet may be operated on the interstate highways of this state and
64 such other highways as may be designated by the highways and transportation
65 commission for the operation of such vehicles plus a distance not to exceed ten
66 miles from such interstate or designated highway. All length provisions
67 regarding automobile or boat transporters, truck-trailer boat transporter
68 combinations and stinger-steered combinations shall include a semitrailer length
69 not to exceed fifty-three feet and are exclusive of front and rear overhang, which
70 shall be no greater than a three-foot front overhang and no greater than a
71 four-foot rear overhang.

72 8. Driveaway saddlemount combinations having a length not in excess of
73 [seventy-five] **ninety-seven** feet may be operated on the interstate highways of
74 this state and such other highways as may be designated by the highways and
75 transportation commission for the operation of such vehicles plus a distance not
76 to exceed ten miles from such interstate or designated highway. Saddlemount
77 combinations must comply with the safety requirements of Section 393.71 of Title
78 49 of the Code of Federal Regulations and may contain no more than three
79 saddlemounted vehicles and one fullmount.

80 9. No truck-tractor semitrailer-semitrailer combination vehicles operated
81 upon the interstate and designated primary highway system of this state shall
82 have a semitrailer length in excess of twenty-eight feet or twenty-eight and
83 one-half feet if the semitrailer was in actual and lawful operation in any state on
84 December 1, 1982, operating in a truck-tractor semitrailer-semitrailer
85 combination. The B-train assembly is excluded from the measurement of
86 semitrailer length when used between the first and second semitrailer of a
87 truck-tractor semitrailer-semitrailer combination, except that when there is no
88 semitrailer mounted to the B-train assembly, it shall be included in the length
89 measurement of the semitrailer.

90 10. The highways and transportation commission is authorized to
91 designate routes on the state highway system other than the interstate system
92 over which those combinations of vehicles of the lengths specified in subsections
93 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles
94 operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may
95 be operated at a distance not to exceed ten miles from the interstate system and
96 such routes as designated under the provisions of this subsection.

97 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section,
98 no other combination of vehicles operated upon the primary or interstate
99 highways of this state plus a distance of ten miles from a primary or interstate
100 highway shall have an overall length, unladen or with load, in excess of sixty-five
101 feet or in excess of fifty-five feet on any other highway, except the state highways
102 and transportation commission may designate additional routes for use by
103 sixty-five foot combinations, seventy-five foot stinger-steered combinations or
104 seventy-five foot saddlemount combinations. Any vehicle or combination of
105 vehicles transporting automobiles, boats or other motor vehicles may carry a load
106 which extends no more than three feet beyond the front and four feet beyond the
107 rear of the transporting vehicle or combination of vehicles.

108 12. (1) Except as hereinafter provided, these restrictions shall not apply
109 to agricultural implements operating occasionally on the highways for short
110 distances, or to self-propelled hay-hauling equipment or to implements of
111 husbandry, or to the movement of farm products as defined in section 400.9-109,
112 RSMo, or to vehicles temporarily transporting agricultural implements or
113 implements of husbandry or roadmaking machinery, or road materials or towing
114 for repair purposes vehicles that have become disabled upon the highways; or to
115 implement dealers delivering or moving farm machinery for repairs on any state
116 highway other than the interstate system.

117 (2) Implements of husbandry and vehicles transporting such machinery
118 or equipment and the movement of farm products as defined in section 400.9.109,
119 RSMo, may be operated occasionally for short distances on state highways when
120 operated between the hours of sunrise and sunset by a driver licensed as an
121 operator or chauffeur.

122 13. As used in this chapter the term "implements of husbandry" means
123 all self-propelled machinery operated at speeds of less than thirty miles per hour,
124 specifically designed for, or especially adapted to be capable of, incidental
125 over-the-road and primary offroad usage and used exclusively for the application
126 of commercial plant food materials or agricultural chemicals, and not specifically
127 designed or intended for transportation of such chemicals and materials.

128 14. The purpose of this section is to permit a single trip per day by the
129 implement of husbandry from the source of supply to a given farm.

130 15. Sludge disposal units may be operated on all state highways other
131 than the interstate system. Such units shall not exceed one hundred thirty-eight
132 inches in width and may be equipped with over-width tires. Such units shall
133 observe all axle weight limits. The chief engineer of the state transportation
134 department shall issue special permits for the movement of such disposal units
135 and may by such permits restrict the movements to specified routes, days and
136 hours.

304.281. 1. Whenever traffic is controlled by traffic control signals
2 exhibiting different colored lights, or colored lighted arrows, successively one at
3 a time or in combination, only the colors green, red and yellow shall be used,
4 except for special pedestrian signals carrying a word legend, and said lights shall
5 indicate and apply to drivers of vehicles and pedestrians as follows:

6 (1) Green indication

7 (a) Vehicular traffic facing a circular green signal may proceed straight

8 through or turn right or left unless a sign at such place prohibits either such
9 turn. But vehicular traffic, including vehicles turning right or left, shall yield the
10 right-of-way to other vehicles and to pedestrians lawfully within the intersection
11 or an adjacent crosswalk at the time such signal is exhibited;

12 (b) Vehicular traffic facing a green arrow signal, shown alone or in
13 combination with another indication, may cautiously enter the intersection only
14 to make the movement indicated by such arrow, or such other movement as is
15 permitted by other indications shown at the same time. Such vehicular traffic
16 shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk
17 and to other traffic lawfully using the intersection;

18 (c) Unless otherwise directed by a pedestrian control signal, as provided
19 in section 304.291, pedestrians facing any green signal, except when the sole
20 green signal is a turn arrow, may proceed across the roadway within any marked
21 or unmarked crosswalk.

22 (2) Steady yellow indication

23 (a) Vehicular traffic facing a steady yellow signal is thereby warned that
24 the related green movement is being terminated or that a red indication will be
25 exhibited immediately thereafter when vehicular traffic shall not enter the
26 intersection;

27 (b) Pedestrians facing a steady yellow signal, unless otherwise directed
28 by a pedestrian control signal as provided in section 304.291, are thereby advised
29 that there is insufficient time to cross the roadway before a red indication is
30 shown and no pedestrian shall then start to cross the roadway.

31 (3) Steady red indication

32 (a) Vehicular traffic facing a steady red signal alone shall stop before
33 entering the crosswalk on the near side of the intersection at a clearly marked
34 stop line but, if none, then before entering the intersection and shall remain
35 standing until an indication to proceed is shown except as provided in paragraph
36 (b);

37 (b) The driver of a vehicle which is stopped as close as practicable at the
38 entrance to the crosswalk on the near side of the intersection or, if none, then at
39 the entrance to the intersection in obedience to a red signal, may cautiously enter
40 the intersection to make a right turn but shall yield the right-of-way to
41 pedestrians and other traffic proceeding as directed by the signal at the
42 intersection, except that the state highways and transportation commission with
43 reference to an intersection involving a state highway, and local authorities with

44 reference to an intersection involving other highways under their jurisdiction,
45 may prohibit any such right turn against a red signal at any intersection where
46 safety conditions so require, said prohibition shall be effective when a sign is
47 erected at such intersection giving notice thereof;

48 (c) Unless otherwise directed by a pedestrian control signal as provided
49 in section 304.291, pedestrians facing a steady red signal alone shall not enter
50 the roadway.

51 (4) In the event an official traffic control signal is erected and maintained
52 at a place other than an intersection, the provision of this section shall be
53 applicable except as to those provisions which by their nature can have no
54 application. Any stop required shall be made at a sign or marking on the
55 pavement indicating where the stop shall be made, but in the absence of any such
56 sign or marking the stop shall be made at the signal.

57 2. Notwithstanding the provisions of section 304.361, violation of this
58 section is a class C misdemeanor.

59 **3. A person operating a motorcycle who violates this section or**
60 **section 304.301 by entering or crossing an intersection controlled by a**
61 **traffic control signal against a red light shall have an affirmative**
62 **defense to that charge if the person establishes all of the following**
63 **conditions:**

64 (1) **The motorcycle has been brought to a complete stop;**

65 (2) **The traffic control signal continues to show a red light for an**
66 **unreasonable time;**

67 (3) **The traffic control is apparently malfunctioning or, if**
68 **programmed or engineered to change to a green light only after**
69 **detecting the approach of a motor vehicle, the signal has apparently**
70 **failed to detect the arrival of the motorcycle; and**

71 (4) **No motor vehicle or person is approaching on the street or**
72 **highway to be crossed or entered or is so far away from the**
73 **intersection that it does not constitute an immediate hazard.**

74 **The affirmative defense of this section applies only to a violation for**
75 **entering or crossing an intersection controlled by a traffic control**
76 **signal against a red light and does not provide a defense to any other**
77 **civil or criminal action.**

307.100. 1. Any lighted lamp or illuminating device upon a motor vehicle
2 other than headlamps, spotlamps, front direction signals or auxiliary lamps which

3 projects a beam of light of an intensity greater than three hundred candlepower
4 shall be so directed that no part of the beam will strike the level of the roadway
5 on which the vehicle stands at a distance of more than seventy-five feet from the
6 vehicle. Alternately flashing warning signals may be used on school buses when
7 used for school purposes and on motor vehicles when used to transport United
8 States mail from post offices to boxes of addressees thereof and on emergency
9 vehicles as defined in section 304.022, RSMo, on buses owned or operated by
10 churches, mosques, synagogues, temples or other houses of worship, and on
11 commercial passenger transport vehicles or railroad passenger cars that are
12 stopped to load or unload passengers, but are prohibited on other motor vehicles,
13 motorcycles and motor-drawn vehicles except as a means for indicating a right or
14 left turn.

15 **2. A motorcycle headlamp may be wired or equipped to allow**
16 **either its upper beam or its lower beam, but not both, to modulate from**
17 **a higher intensity to a lower intensity at a rate of modulation of two**
18 **hundred to two hundred and eighty cycles per minute. A headlamp**
19 **modulator installed on a motorcycle with two headlamps shall be wired**
20 **in a manner to prevent the headlamps from modulating at different**
21 **rates or not in synchronization with each other. A headlamp modulator**
22 **installed on a motorcycle shall meet the standards prescribed in 49 CFR**
23 **Part 571, Section 571.108 and Federal Motor Vehicle Standard 571.108,**
24 **as amended.**

25 **3.** Notwithstanding the provisions of section 307.120, violation of this
26 section is an infraction.

307.179. 1. As used in this section, the following terms shall mean:

2 (1) "Child booster seat", a seating system which meets the Federal Motor
3 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is
4 designed to elevate a child to properly sit in a federally approved safety belt
5 system;

6 (2) "Child passenger restraint system", a seating system which meets the
7 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as
8 amended, and which is either permanently affixed to a motor vehicle or is affixed
9 to such vehicle by a safety belt or a universal attachment system;

10 (3) "Driver", a person who is in actual physical control of a motor vehicle.

11 2. Every driver transporting a child under the age of sixteen years shall
12 be responsible, when transporting such child in a motor vehicle operated by that

13 driver on the streets or highways of this state, for providing for the protection of
14 such child as follows:

15 (1) Children less than four years of age, regardless of weight, shall be
16 secured in a child passenger restraint system appropriate for that child;

17 (2) Children weighing less than forty pounds, regardless of age, shall be
18 secured in a child passenger restraint system appropriate for that child;

19 (3) Children at least four years of age but less than eight years of age,
20 who also weigh at least forty pounds but less than eighty pounds, and who are
21 also less than four feet, nine inches tall, shall be secured in a child passenger
22 restraint system or booster seat appropriate for that child;

23 (4) Children at least eighty pounds or children more than four feet, nine
24 inches in height shall be secured by a vehicle safety belt or booster seat
25 appropriate for that child;

26 (5) A child who otherwise would be required to be secured in a booster
27 seat may be transported in the back seat of a motor vehicle while wearing only
28 a lap belt if the back seat of the motor vehicle is not equipped with a combination
29 lap and shoulder belt for booster seat installation;

30 (6) When transporting children in the immediate family when there are
31 more children than there are seating positions in the enclosed area of a motor
32 vehicle, the children who are not able to be restrained by a child safety restraint
33 device appropriate for the child shall sit in the area behind the front seat of the
34 motor vehicle unless the motor vehicle is designed only for a front seat area. The
35 driver transporting children referred to in this subsection is not in violation of
36 this section.

37 This subsection shall only apply to the use of a child passenger restraint system
38 or vehicle safety belt for children less than sixteen years of age being transported
39 in a motor vehicle.

40 3. Any driver who violates subdivision (1), (2), or (3) of subsection 2 of this
41 section is guilty of an infraction and, upon conviction, may be punished by a fine
42 of not more than fifty dollars and court costs. Any driver who violates
43 subdivision (4) of subsection 2 of this section shall be subject to the penalty in
44 subsection 5 of section 307.178. If a driver receives a citation for violating
45 subdivision (1), (2), or (3) of subsection 2 of this section, the charges shall be
46 dismissed or withdrawn if the driver prior to or at his or her hearing provides
47 evidence of acquisition of a child passenger restraint system or child booster seat
48 which is satisfactory to the court or the party responsible for prosecuting the

49 driver's citation.

50 4. The provisions of this section shall not apply to any public carrier for
51 hire.

52 5. The provisions of this section shall not apply to [students] **children**
53 four years of age or older who are passengers on a school bus designed for
54 carrying eleven passengers or more and which is manufactured or equipped
55 pursuant to Missouri Minimum Standards for School Buses as [school buses are
56 defined in section 301.010, RSMo] **required under section 304.060,**
57 **RSMo. The exemption set forth in this subsection shall apply whether**
58 **or not such bus is being operated by a school district or other entity**
59 **and regardless whether such bus is being used for educational,**
60 **religious, or other purposes.**

61 [5.] 6. The highways and transportation commission shall initiate and
62 develop a program of public information to develop understanding of, and ensure
63 compliance with, the provisions of this section.

311.326. After a period of not less than one year, or upon reaching the age
2 of twenty-one, whichever occurs first, a person who has pleaded guilty to or has
3 been found guilty of violating section 311.325 for the first time, and who since
4 such conviction has not been convicted of any other alcohol-related offense, may
5 apply to the court in which he or she was sentenced for an order to expunge all
6 official records of his or her arrest, plea, trial and conviction. **No records shall**
7 **be expunged if the person who has plead guilty to or has been found**
8 **guilty of violating section 311.325 is licensed as a commercial motor**
9 **vehicle driver or was operating a commercial motor vehicle as defined**
10 **in section 302.700, RSMo, at the time of the violation.** If the court
11 determines, upon review, that such person has not been convicted of any other
12 alcohol-related offense at the time of the application for expungement, and the
13 person has had no other alcohol-related enforcement contacts, as defined in
14 section 302.525, RSMo, the court shall enter an order of expungement. The effect
15 of such an order shall be to restore such person to the status he or she occupied
16 prior to such arrest, plea or conviction, as if such event had never happened. No
17 person as to whom such order has been entered shall be held thereafter under
18 any provision of any law to be guilty of perjury or otherwise giving a false
19 statement by reason of his or her failure to recite or acknowledge such arrest,
20 plea, trial, conviction or expungement in response to any inquiry made of him or
21 her for any purpose whatsoever. A person shall be entitled to only one

22 expungement pursuant to this section. Nothing contained in this section shall
23 prevent courts or other state officials from maintaining such records as are
24 necessary to ensure that an individual receives only one expungement pursuant
25 to this section.

387.075. 1. Notwithstanding any provision of chapter 390, RSMo,
2 chapter 622, RSMo, or this chapter to the contrary, any common carrier
3 that is authorized to transport household goods by a certificate issued
4 under section 390.051, RSMo, may file one or more applications to the
5 state highways and transportation commission for approval of rate
6 schedules, applicable to that carrier's intrastate transportation of
7 household goods, that authorize periodic rate adjustments outside of
8 general rate proceedings to reflect increases and decreases in the
9 carrier's prudently incurred costs of providing transportation of
10 property by motor vehicle. The filing of applications by common
11 carriers under this section shall be authorized upon the same terms
12 and conditions as provided in section 386.266, RSMo, with reference to
13 the filing of applications to the public service commission by an
14 electrical, gas, or water corporation. These applications shall be made
15 in such form, and shall contain such information, as the state highways
16 and transportation commission reasonably may require.

17 2. Notwithstanding any provision of chapter 390, RSMo, chapter
18 622, RSMo, or this chapter to the contrary, the state highways and
19 transportation commission shall consider and determine every
20 application filed under subsection 1 of this section, upon the same
21 terms and conditions as provided in section 386.266, RSMo, with
22 reference to the public service commission's consideration and
23 determination of applications by an electrical, gas, or water
24 corporation under that section.

25 3. In proceedings under this section, common carriers and the
26 state highways and transportation commission shall be governed by the
27 statutes and rules of practice and procedure that are applicable in
28 motor carrier proceedings under chapters 387, 390, and 622, RSMo,
29 except to the extent they are inconsistent with the requirements of this
30 section. The statutes and rules that generally govern public service
31 commission proceedings relating to electrical, gas, and water
32 corporations shall not apply in proceedings under this section.

390.030. 1. The provisions of this chapter shall not apply to:

- 2 (1) School buses;
- 3 (2) Taxicabs;
- 4 (3) Motor vehicles while being used exclusively to transport;
- 5 (a) Stocker and feeder livestock from farm to farm, or from market to
- 6 farm,
- 7 (b) Farm or dairy products including livestock from a farm or dairy,
- 8 (c) Agricultural limestone or fertilizer to farms,
- 9 (d) Property from farm to farm,
- 10 (e) Raw forest products from farm, or
- 11 (f) Cotton, cottonseed, and cottonseed hulls;
- 12 (4) Motor vehicles when operated under contract with the federal
- 13 government for carrying the United States mail and when on a trip provided in
- 14 the contract;
- 15 (5) Motor vehicles used solely in the distribution of newspapers from the
- 16 publisher to subscribers or distributors;
- 17 (6) The transportation of passengers or property performed by a carrier
- 18 pursuant to a contract between the carrier and the state of Missouri or any civil
- 19 subdivision thereof, where the transportation services are paid directly to the
- 20 carrier by the state of Missouri or civil subdivision;
- 21 (7) Freight-carrying motor vehicles duly registered and licensed in
- 22 conformity with the provisions of chapter 301, RSMo, for a gross weight of six
- 23 thousand pounds or less;
- 24 (8) The transportation of passengers or property wholly within a
- 25 municipality, or between contiguous municipalities, or within a commercial zone
- 26 as defined in section 390.020, or within a commercial zone established by the
- 27 division of motor carrier and railroad safety pursuant to the provisions of
- 28 subdivision (4) of section 390.041; provided, the exemption in this subdivision
- 29 shall not apply to motor carriers of persons operating to, from or between points
- 30 located wholly or in part in counties now or hereafter having a population of more
- 31 than three hundred thousand persons, where such points are not within the same
- 32 municipality and to motor carriers of commodities in bulk to include liquids, in
- 33 tank or hopper type vehicles, and in a commercial zone as defined herein or by
- 34 the division;
- 35 (9) Street railroads and public utilities other than common carriers as
- 36 defined in section 386.020, RSMo;
- 37 (10) Motor vehicles whose operations in the state of Missouri are

38 interstate in character and are limited exclusively to a municipality and its
39 commercial zone;

40 (11) Motor vehicles, commonly known as tow trucks or wreckers, designed
41 and exclusively used in the business of towing or otherwise rendering assistance
42 to abandoned, disabled or wrecked vehicles;

43 (12) Motor vehicles while being used solely by a group of employees to
44 commute to and from their place or places of employment, except that the motor
45 vehicle must be driven by a member of the group.

46 2. Nothing contained in this section shall be deemed to exempt the
47 vehicles of driveaway operators.

48 3. Except for the provisions of subdivision (5) of section 390.041, the
49 provisions of this chapter shall not apply to private carriers.

50 4. No agency of state government nor any county or municipality or their
51 agencies shall discriminate against any motor carrier or private carrier or deny
52 any such carrier operating a motor vehicle public access to any building, facility
53 or area owned by or operated for the public unless such discrimination or denial
54 is based solely on reasonable vehicle size or weight considerations. The
55 provisions of this subsection shall only apply in cities not within a county and
56 first class counties with a charter form of government which adjoin any city not
57 within a county.

58 **5. Beginning January 1, 2008, the exemptions in subdivisions (8)**
59 **and (10) of subsection 1 of this section shall not apply to intrastate**
60 **motor carriers that transport household goods.**

390.372. 1. Notwithstanding any provision of law to the contrary,
2 **a provision, clause, covenant, or agreement contained in, collateral to,**
3 **or affecting a motor carrier transportation contract that purports to**
4 **indemnify, defend, or hold harmless, or has the effect of indemnifying,**
5 **defending, or holding harmless, the promisee from or against any**
6 **liability for loss or damage resulting from the negligence or intentional**
7 **acts or omissions of the promisee is against the public policy of this**
8 **state and is void and unenforceable.**

9 2. For the purposes of this section, the following terms shall
10 mean:

11 (1) "Motor carrier transportation contract", a contract,
12 agreement, or understanding covering:

13 (a) The transportation of property for compensation or hire by

14 the motor carrier;

15 (b) The entrance on property by the motor carrier for the
16 purpose of loading, unloading, or transporting property for
17 compensation or hire; or

18 (c) A service incidental to activity described in paragraphs (a)
19 and (b) of this subdivision, including but not limited to, storage of
20 property;

21 "Motor carrier transportation contract" shall not include the Uniform
22 Intermodal Interchange and Facilities Access Agreement administered
23 by the Intermodal Association of North America or other agreements
24 providing for the interchange, use or possession of intermodal chassis,
25 or other intermodal equipment;

26 (2) "Promisee", the promisee and any agents, employees, servants,
27 or independent contractors who are directly responsible to the
28 promisee except for motor carriers party to a motor carrier
29 transportation contract with a promisee, and such motor carrier's
30 agents, employees, servants, or independent contractors directly
31 responsible to such motor carrier.

Section 1. All fines that are generated from municipal red light
2 violations that are detected and enforced through automated photo red
3 light enforcement systems shall be deposited in the state school moneys
4 fund. As used in this section, the term "automated photo red light
5 enforcement system" shall mean a device, consisting of a camera or
6 cameras and a vehicle sensor or sensors, installed to work in
7 conjunction with a traffic control signal, which is used to produce
8 recorded images of motor vehicles entering an intersection against a
9 red signal indication.

Section 2. Notwithstanding section 304.180, RSMo, or any other
2 provision of the law to the contrary, any commercial motor vehicle
3 originating within this state traversing to a neighboring state may
4 operate or move such motor vehicle on a state highway within this
5 state with a weight limit that meets but does not exceed the weight
6 limits of the destination state. If the weight limits of the destination
7 state are less than the weight limits of this state, then the weight limits
8 of this state shall apply.

Section B. The repeal and reenactment of sections 302.272, 302.275, and
2 302.321 of this act shall become effective January 1, 2008.

Section C. Because of the need to ensure that private organizations are
2 not financially restrained from providing transportation services to children in
3 buses that otherwise address the safety concerns of the child passenger restraint
4 law, and because of the need to provide Missouri motorists with a method to
5 replace stolen license plate tabs without administrative red tape and because of
6 the need to verify the payment of registration fees, the repeal and reenactment
7 of sections 301.301 and 307.179 of section A of this act is deemed necessary for
8 the immediate preservation of the public health, welfare, peace, and safety, and
9 is hereby declared to be an emergency within the meaning of the constitution, and
10 the repeal and reenactment of section 307.179 of section A of this act shall be in
11 full force and effect upon its passage and approval.

✓

Bill

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